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FOOD AND DRUGS ACT

NOTICES OF JUDGMENT Nos. 6001-6500

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S. R. A.—Chem. Suppl. 51. Issued June 17, 1918.

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 6001–6050.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 29, 1918.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

6001. Misbranding of cottonseed meal. U. S. * * * v. Ripley Oil Mills, a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 8426. I. S. No. 19854–m.)

On October 25, 1917, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ripley Oil Mills, a corporation, Ripley, Tenn., alleging shipment by said company, in violation of the Foods and Drugs Act, on or about November 25, 1916, under the name of F. W. Brode & Co., from the State of Tennessee into the State of Kentucky, of a quantity of an article labeled in part, "Dove Brand Prime Cotton Seed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)	14.0
Nitrogen (per cent)	5.46
Ammonia (per cent)	6.63
Protein (N×6.25) (per cent)	34.1

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Ammonia 7.50% Protein 38.63% * * * Nitrogen 6.18%. These are minimum Guarantees frequently Runs Higher Fibre, Maximum 12.00%," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 7.50 per cent of ammonia, 38.63 per cent of protein, 6.18 per cent of nitrogen, and not more than 12 per cent of fiber, and for the further reason that it was labeled as aforesaid

so as to deceive and mislead the purchaser into the belief that it contained not less than 7.50 per cent of ammonia, 38.63 per cent of protein, 6.18 per cent of nitrogen, and not more than 12.00 per cent of fiber, whereas, in truth and in fact, it contained less than the amounts indicated of ammonia, protein, and nitrogen, and more than 12 per cent of fiber, to wit, approximately 6.63 per cent of ammonia, approximately 34.1 per cent of protein, approximately 5.46 per cent of nitrogen, and 14.0 per cent of fiber.

On January 19, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

31110

6002. Misbranding of "En-Ar-Co Oil." U. S. * * * v. National Remedy Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 8428. I. S. No. 3412–m.)

On February 5, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Remedy Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, under the name of the Charles E. Crittenden Co., on January 20, 1917, from the State of New York into the State of New Jersey, of a quantity of an article labeled in part, "En-Ar-Co The Wonderful Japanese Oil," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed it to be essentially a hydroalcoholic solution of amyl alcohol, ethyl alcohol, acetone, capsicum extractives, a saffrol containing oil, a light mineral oil, and a fixed vegetable oil.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on its label falsely and fraudulently represented it as a remedy for asthma, cholera morbus, corns and bunions, colic, diarrhea, flux and dysentery, gout, rheumatism, sciatica, snake bites, sore throat, and swellings in man, and, in other animals, for broken wind, chicken cholera, distemper, dysentery, flux, hog cholera, ringworm, roup, spavin, and sweeney, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the booklet accompanying the article falsely and fraudulently represented it as a treatment for heaves, lockjaw, and ringbone, when, in truth and in fact, it was not.

On March 13, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6003. Misbranding of cottonseed meal. U. S. * * * v. Brownsville Cotton Oil and Ice Co., a corporation. Plea of guilty. Fine, $250 and costs. (F. & D. No. 8434. I. S. Nos. 19857-m, 19860-m, 19862-m, 19863-m, 19864-m.)

On November 1, 1917, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Brownsville Cotton Oil and Ice Co., a corporation, doing business at Brownsville, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 18, 1916, October 27, 1916, November 20, 1916, November 23, 1916, and December 2, 1916, from the State of Tennessee into the State of Kentucky, of quantities of an article labeled in part, "Prime Cottonseed Meal," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Shipment of—	Oct. 18.	Oct. 27.	Nov. 20.	Nov. 23.	Dec. 2.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
Ether extract	.....	.....	.....	5.75	.....
Crude fiber	13.85	15.4	15.95	15.5	14.6
Nitrogen	5.73	5.26	.....	5.07	5.40
Ammonia	6.95	6.39	6.26	6.15	6.56
Protein (N×6.25)	35.8	32.9	32.2	31.7	33.75

Misbranding of the article in all of the shipments except the one on November 23, 1916, was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis * * * Ammonia minimum 7½% Protein minimum 38.62% * * * Fiber maximum 12%," borne on the tags attached to the bags, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 7½ per cent of ammonia, 38.62 per cent of protein, and not more than 12 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 7.50 per cent of ammonia, 38.62 per cent of protein, and not more than 12 per cent of fiber, whereas, in truth and in fact, it contained less amounts of ammonia and protein and more fiber than declared on the tags, to wit, approximately 6.95 per cent or 6.39 per cent or 6.26 per cent or 6.56 per cent of ammonia, approximately 35.8 per cent or 32.9 per cent or 32.2 per cent or 33.75 per cent of protein, and 13.85 per cent or 15.4 per cent or 15.95 per cent or 14.6 per cent of fiber as the case might be.

Misbranding of the article in the shipment on November 23, 1916, was alleged for the reason that the statement, to wit, "Guaranteed Analysis * * * Ammonia minimum 7½%, Protein minimum 38.62%, Fat minimum 6%, Fiber maximum 12%," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 7.50 per cent of ammonia, 38.62 per cent of protein, and 6 per cent of fat, and not more than 12 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 7.50 per cent of ammonia, 38.62 per cent of protein, and 6 per cent of fat, and not more than 12 per cent of fiber, whereas, in truth and in fact, it contained less amounts of ammonia, protein, and fat, and more fiber than was declared on the tags, to wit, approximately 6.15 per cent of ammonia, approximately 31.7 per cent of protein, 5.75 per cent of fat, and 15.5 per cent of fiber.

On February 4, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $250 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6004. Misbranding of "Quaker Herb Extract." U. S. * * * v. Quaker Herb Co., a corporation. Plea of guilty. Fine, $300 and costs. (F. & D. No. 8436. I. S. No. 12145–m.)

On October 1, 1917, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Quaker Herb Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 14, 1916, from the State of Ohio into the State of Indiana, of a quantity of an article labeled in part, "Quaker Herb Extract," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	17.1
Nonvolatile, 100° C. (grams per 100 cc)	3.9
Ash (gram per 100 cc)	0.53

Water-insoluble ash: Trace.

Ash consists of sodium sulphates and carbonates, not more than trace of phosphates, chlorids, magnesium oxid, calcium oxid or iron oxid.

Tannin: Present.

Reinsch test for arsenic and mercury: Negative.

Alkaloid, salicylates, and iodids: None found.

Plant extractives: Present.

Small amount of reducing sugar present.

Emodin: Present.

Taste and odor suggest aromatics (cinnamon, anise, and licorice.)

Sample is a reddish-brown hydroalcoholic solution containing essentially plant extractives (emodin) and aromatics.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on its label falsely and fraudulently represented it as a remedy for diseases of the stomach, liver, and kidneys, as a treatment and preventive for catarrh, indigestion, dyspepsia, rheumatism, kidney and bladder troubles, scrofula and so-called blood diseases, chills, fever, ague, nervousness, female complaints, and disease germs, when, in truth and in fact, it was not. It was further alleged in substance that the article was misbranded for the reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a remedy for catarrh of the head, catarrh of the stomach, so-called dyspepsia, indigestion, stomach troubles, gastritis, sick headache, vomiting, palpitation of the heart, dizziness, poor memory, fever sores, pains in the stomach, general debility, nervous weakness, lack of vitality, loss of vigor, falling of the womb, prolapsus uteri, female weakness, bearing-down pains, female irregularities, leucorrhea, whites, impoverished blood, female bladder troubles, irregularity of the periods, change of life, worms, parasites, tapeworms, pin worms, stomach worms, malarial chills and fever, when, in truth and in fact, it was not.

On March 1, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $300 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6005. Misbranding of lithia water. U. S. * * * v. 8 Cases of Lithia Water. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8441. I. S. No. 1304-p. S. No. E-875.)

On August 16, 1917, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases of lithia water, remaining unsold in the original unbroken packages at Greenwich, Conn., alleging that the article had been shipped on or about June 12, 1917, by The Rubino Healing Springs Co., Hot Springs, Va., and transported from the State of Virginia into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Rubino Healing Springs Lithia Water * * * is beneficial in rheumatism and gout."

It was alleged in substance in the libel that the article was misbranded for the reason that the statement borne on the labels of the bottles, to wit, "Lithia Water," was false and misleading in that the bottles contained 0.05 milligrams of lithium per liter, and did not contain a sufficient quantity of lithium to entitle it to be called lithia water, and for the further reason that the statement on the label regarding the article, to wit, "Beneficial in rheumatism and gout," was false and fraudulent in that the article contained no ingredients or combination of ingredients which rendered it effective as a treatment for rheumatism or gout. Misbranding of the article was alleged for the further reason that it was in package form, and the contents was stated in terms of weight, but said weight was not plainly stated on the outside of the package.

On December 17, 1917, the said Rubino Healing Springs Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $32, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6006. Adulteration of sardines. U. S. * * * v. 35 Cases of Sardines. Consent decree of condemnation and forfeiture. Good portion ordered released. Unfit portion ordered destroyed. (F. & D. No. 8449. I. S. No. 1902-p. S. No. E-880.)

On August 18, 1917, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 cases of sardines, labeled on the cans, "Casco Brand American Sardines, in Cotton Seed Oil, Brawn-Willard Co., Portland, Maine," consigned on or about July 9, 1917, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Brawn-Willard Co., Portland, Me., and transported from the State of Maine into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

On November 9, 1917, the said Brawn-Willard Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be examined by a representative of this department, the unfit portion to be destroyed by the United States marshal and the good portion to be released to said claimant upon the payment of the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6007. Misbranding of evaporated apples. U. S. * * * v. E. Benjamin Holton. Plea of guilty. Fine, $25. (F. & D. No. 8453. I. S. Nos. 4105-m, 3766-m, 5401-m.)

On October 9, 1917, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against E. Benjamin Holton, Webster, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 12, 1917, and March 29, 1917, from the State of New York into the States of New Hampshire and Maryland, of quantities of an article labeled in part, "Net weight when packed 16 ounces. Sunset Brand Western New York Choice Evaporated Apples. Packed by E. B. Holton, Webster, N. Y.," which was misbranded.

Examination of samples of the article in each shipment by the Bureau of Chemistry of this department showed the cartons to contain less than 16 ounces.

Misbranding of the article in each shipment was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On November 13, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6008. Adulteration of apple cider. U. S. * * * v. 80 Barrels and 80 Barrels of Apple Cider. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8467. I. S. No. 8111–p. S. No. C–740.)

On September 8, 1917, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 80 barrels and 80 barrels of apple cider, remaining unsold in the original unbroken packages at Tulsa, Okla., alleging that the article had been shipped on or about June 26, 1917, by the Brocton Products Co., Brocton, N. Y., and transported from the State of New York into the State of Oklahoma, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that it contained an added deleterious ingredient to wit, salicylic acid, which rendered said article injurious to health.

On February 11, 1918, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal and that the empty containers should be sold at public auction.

CARL VROOMAN, *Acting Secretary of Agriculture.*

58081°—18——2

6009. Adulteration of gelatin. U. S. * * * v. 2 Barrels of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8470. I. S. No. 16713-p. S. No. W-198.)

On September 11, 1917, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels of gelatin, consigned on or about January 18, 1917, by the W. K. Jahn Co., Chicago, Ill., remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the article had been shipped and transported from the State of Illinois into the State of California, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained arsenic, copper, and zinc, which were added deleterious ingredients that might render the article injurious to health.

On October 31, 1917, the said W. K. Jahn Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6010. Adulteration of shell eggs. U. S. * * * v. 10 Cases of Shell Eggs. Consent order finding goods adulterated. Good portion ordered released. Unfit portion ordered destroyed. (F. & D. No. 8472. I. S. No. 16501–p. S. No. W–190.)

On August 13, 1917, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of shell eggs, consigned by Brooks & Sons, Morland, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 3, 1917, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 11, 1917, the said Brooks & Sons, claimants, having admitted the allegations of the libel, the court found that the product was adulterated; and the eggs having been candled, it was ordered that the good portion should be released to said claimants and that unfit portion should be destroyed by the United States marshal, and that the costs of the proceedings should be taxed against said claimants.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6011. Adulteration of shell eggs. U. S. * * * v. 6 Cases of Shell Eggs. Default decree of condemnation and forfeiture. Good portion ordered sold. Unfit portion ordered destroyed. (F. & D. No. 8473. I. S. No. 16503-p. S. No. W-191.)

On August 13, 1917, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases of shell eggs, consigned by C. L. Allen, Trenton, Nebr., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 1, 1917, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 10, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal should sell that portion of the eggs fit for food at public auction and destroy the unfit portion.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6012. Adulteration of shell eggs. U. S. * * * v. 27 Cases of Shell Eggs. Consent order finding goods adulterated. Good portion ordered released. Unfit portion ordered destroyed. (F. & D. No. 8474. I. S. No. 16505-p. S. No. W-192.)

On August 16, 1917, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 27 cases of shell eggs, consigned by the Farmer's Mercantile Co., Long Island, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about July 31, 1917, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On October 26, 1917, the Farmer's Cooperative Mercantile Association, claimant, having admitted the allegations of the libel, the court found that the product was adulterated and that libellant was entitled to a judgment condemning and forfeiting the eggs, and the eggs having been candled, it was ordered that the good portion should be released to said claimant and the unfit portion should be destroyed by the United States marshal, and that the costs of the proceedings be taxed against the said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6013. Adulteration of shell eggs. U. S. * * * v. 12 Cases of Shell Eggs. Consent order finding the goods adulterated. Good portion ordered released. Unfit portion ordered destroyed. (F. & D. No. 8475. I. S. No. 16506-p. S. No. W-193.)

On August 16, 1917, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 cases of shell eggs, consigned by B. E. Stires Co., Ludell, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about July 31, 1917, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On October 26, 1917, B. E. Stires, Ludell, Kans., claimant, having admitted the allegations of the libel, the court found that the product was adulterated and that libellant was entitled to a judgment condemning and forfeiting the eggs, and, the eggs having been candled, it was ordered that the good portion should be released to said claimant, that the unfit portion should be destroyed by the United States marshal, and that the costs of the proceedings should be taxed against the said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6014. Adulteration of shell eggs. U. S. * * * v. 5 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8476. I. S. No. 16507-p. S. No. W-194.)

On August 17, 1917, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of shell eggs, consigned by Fliesbach & Sons, Scottsbluff, Nebr., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about July 20, 1917, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 13, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the eggs should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6015. Adulteration of shell eggs. U. S. * * * v. 5 Cases of Shell Eggs. Default decree of condemnation and forfeiture. Good portion ordered sold. Unfit portion ordered destroyed. (F. & D. No. 8477. I. S. No. 16508-p. S. No. W-195.)

On August 18, 1917, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 30 dozen of shell eggs, consigned by Hageman Bros., Woodruff, Kans., alleging that the article had been shipped on or about August 7, 1917, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 13, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the good portion of the eggs should be sold at public auction and that the unfit portion should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6016. Adulteration and misbranding of apple cider vinegar. U. S. * * * v. 20 Casks * * * of So-Called Apple Cider Vinegar. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8481. I. S. No. 8116–p. S. No. C–742.)

On September 20, 1917, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 casks, each containing five dozen bottles of so-called apple cider vinegar, remaining unsold in the original unbroken packages at McAlester, Okla., alleging that the article had been shipped on or about July 17, 1917, by the O. L. Gregory Vinegar Co., Siloam Springs, Ark., and transported from the State of Arkansas into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Mountain Brand Apple Cider Vinegar * * * Manufactured by the Ozark Cider and Vinegar Co. Siloam Springs, Arkansas."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted in part for the said article. It was further alleged that the article was colored in a manner whereby inferiority was concealed.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article and for the further reason that it was labeled or branded so as to mislead or deceive the purchaser thereof.

On February 11, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be properly labeled and sold at public auction by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

58081°—18——3

6017. Adulteration and misbranding of gelatin. U. S. * * * v. 2 Barrels * * * of Alleged Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8488. I. S. No. 11713-p. S. No. C-741.)

On September 25, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District court of the United States for said district a libel for the seizure and condemnation of 2 barrels of alleged gelatin, at Chicago, Ill., alleging that the article had been shipped on September 18, 1917, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was waybilled as edible gelatin.

Adulteration of the article was alleged in substance in the libel for the reason that it was composed of a certain substance, to wit, glue, which said substance, containing excessive amounts of zinc and copper, had been substituted for edible gelatin which the article purported to be, and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that it contained added poisonous and deleterious ingredients, to wit, zinc and copper, which might render such article injurious to health.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, edible gelatin.

On November 13, 1917, Charles Townsend & Bro., Chicago, Ill., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the article should be labeled, "Not to be used for food or for the manufacture of food articles."

CARL VROOMAN, *Acting Secretary of Agriculture.*

6018. Misbranding of "Velcas Dr. Franklin's Restorative Tablets." U. S. * * * v. Dr. Richards Dyspepsia Tablet Association, a corporation. Plea of guilty. Fine, $25. (F. & D. No. 8496. I. S. No. 8381–m.)

On January 24, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dr. Richards Dyspepsia Tablet Association, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on April 15, 1916, from the State of New York into the Territory of Porto Rico, of a quantity of a misbranded article labeled in part, in the Spanish language, "Pastillas Restauradoras Del Dr. Franklin-Velcas," which, translated into the English language, reads, "Dr. Franklin's Restorative Tablets. Velcas."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

> This product consisted of flat, purple-colored tablets and about 6 orange-coated laxative granules in each bottle. The large tablets were coated with talc, calcium carbonate, sugar, and a binder similar to gelatin, dyed purple on the outside. They contained essentially ferrous and potassium salts of sulphuric and carbonic acids, quinine, emodin (apparently from cascara), talc, sugar, and were flavored with methyl salicylate.
>
> The laxative granules consisted essentially of aloes, podophyllum, strychnine, and brucine, with indications of scammony, and weighed, uncoated, a little over a half grain each.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the bottle and wrapper falsely and fraudulently represented it to be effective as a remedy and treatment for the diseases of the blood and nerves, as a cure for nervousness, neuralgia, anemia, chronic catarrh, ordinary eruptions, malign eruptions, various diseases of the heart, rheumatism, sciatica, wounds, ulcers, scrofula, certain classes of paralysis, and syphilitic infections, as a tonic for the plexuses and master nerves, and to purify the blood, when, in truth and in fact, it would not do these things. It was further alleged in substance that the article was misbranded for the reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it to be effective as a remedy for hysteria, partial paralysis, locomotor ataxia, erysipelas, mental exhaustion, loss of memory, and melancholia, as a specific for hysteria, partial paralysis, all diseases of the blood which are shown in the form of eruptions, and erysipelas, as a remedy for diseases of men, to enable men and women to become fathers and mothers, to reestablish manly vigor, as a treatment for epilepsy and pulmonary tuberculosis, and as a remedy and cure for pulmonary tuberculosis, when, in truth and in fact, it was not.

On January 30, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6019. Adulteration and misbranding of milk chocolate. U. S. * * * v. Moses L. Blumenthal, Aaron Blumenthal, Joseph Blumenthal, Abraham Blumenthal, Jacob Blumenthal, and Myer Blumenthal (Blumenthal Bros.). Plea of guilty. Fine, $50. (F. & D. No. 8502. I. S. No. 4109-m.)

On January 9, 1918, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Moses L. Blumenthal, Aaron Blumenthal, Joseph Blumenthal, Abraham Blumenthal, Jacob Blumenthal, and Myer Blumenthal, copartners, trading as Blumenthal Bros., Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 27, 1917, from the State of Pennsylvania into the State of Maryland, of a quantity of an article, labeled in part, "Moo-Cow Pure Sweet Milk Chocolate," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Sucrose (per cent)	51.1
Lactose (per cent)	2.9
Fat (per cent)	29.0
Reichert Meissl no. of fat	1.1
Butter fat (per cent)	0.74
Casein (per cent)	2.15
Milk solids (per cent)	6.6

This product does not contain sufficient milk solids to entitle it to the name of milk chocolate.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, sweet chocolate, which contained an inappreciable amount of milk, had been substituted in whole or in part for sweet milk chocolate, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Sweet Milk Chocolate," borne on the packages containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was sweet milk chocolate, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was sweet milk chocolate, whereas, in truth and in fact, it was not, but was a product composed of sweet chocolate which contained an inappreciable amount of milk.

On January 17, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $20.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6020. Adulteration of alfalfa hay. U. S. * * * v. 385 Bales of Alfalfa Hay. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8507. I. S. No. 8426–p. S. No. C–745.)

On September 27, 1917, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 385 bales of alfalfa hay, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped on or about September 6, 1917, by Bruce Carlson, Dunlap, Kans., and transported from the State of Kansas into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, decomposed vegetable substance.

On October 20, 1917, the said Bruce Carlson, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $200 in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6021. Adulteration of tomato pulp. U. S. * * * v. 100 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8511. I. S. No. 2327-p. S. No. E-886.)

On September 28, 1917, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of tomato pulp, consigned by Roberts Bros., Baltimore, Md., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about September 6, 1917, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "* * * Big 'R' Brand Tomato Pulp * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On October 22, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6022. Adulteration of tomato pulp. U. S. * * * v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8516. I. S. No. 3151–p. S. No. E–888.)

On October 2, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of tomato pulp, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about August 21, 1917, by the Booth Packing Co., Baltimore, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Diamond Brand Tomato Pulp * * * D. D. Mallory & Co. * * * Baltimore, Md., Distributors."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, decayed and moldy tomato paste.

On October 30, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6023. Adulteration and misbranding of terpeneless extract of lemon. U. S. * * * v. Gray-McLean & Percy, a corporation. Plea of guilty. Fine, $100. (F. & D. No. 8517. I. S. No. 21167-m.)

On December 15, 1917, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gray-McLean & Percy, a corporation, Portland, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 20, 1916, from the State of Oregon into the State of Idaho, of a quantity of an article labeled in part, "Terpeneless Extract of Lemon * * * Gray-McLean & Percy, 113–115 Fourth Street, North, Portland, Oregon," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ethyl alcohol (per cent by volume)	31.20
Coloring matter: Naphthol yellow S, S & J 4.	
Citral (Hiltner) (per cent)	0.04
Oil by polarization: None.	
Oil by precipitation: None.	

Analysis shows product to be dilute terpeneless lemon extract of not more than one-fifth standard strength.

Adulteration of the article was alleged in the information for the reason that a diluted hydroalcoholic solution of citral had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted wholly or in part for terpeneless extract of lemon, which the article purported to be, and for the further reason that it was a diluted hydroalcoholic solution of citral, a product inferior to terpeneless extract of lemon, and was artificially colored by certain coal-tar dyes, to wit, naphthol yellow S and S & J 4, so as to simulate the appearance of terpeneless extract of lemon in a manner whereby its inferiority to terpeneless extract of lemon was concealed.

Misbranding of the article was alleged in substance for the reason that the statement, to wit, "Terpeneless Extract of Lemon," borne on the label of the bottle, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was terpeneless extract of lemon, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was terpeneless extract of lemon, whereas, in truth and in fact, it was not, but was a product composed of diluted hydroalcoholic solution of citral, artificially colored.

On December 28, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6024. Adulteration of peaches. U. S. * * * v. 179 Cases * * * of Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8518. I. S. No. 2514-p. S. No. E-889.)

On October 2, 1917, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 179 cases, each containing two dozen cans of peaches, consigned on or about July 30, 1917, remaining unsold in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped and transported from the State of Georgia into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Indian Hunter Brand Pie Peaches. * * * Packed by Fort Valley Canning Co. Fort Valley, Ga., Roberts Bros. Proprietors, Main Office, Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that it was a dirty and partially decayed product and consisted in part of a filthy and decomposed vegetable substance, to wit, decayed and decomposed peaches and parts thereof.

On January 5, 1918, the case having come on for trial before the court and a jury, and no claimant having appeared for the property, a verdict for the Government was returned by the jury, and thereupon a judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal should dispose of the product by turning it over to some person engaged in hog raising, such person to execute a good and sufficient bond in the sum of $250, conditioned that the product should be destroyed by feeding it only to hogs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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6025. Adulteration and misbranding of tomatoes. U. S. * * * v. 200 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8523. I. S. No. 2537-p. S. No. E-892.)

On October 9, 1917, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 24 cans of tomatoes, remaining unsold in the original unbroken packages at Brunswick, Ga., alleging that the article had been shipped on or about September 15, 1917, by the Schall Packing Co., Baltimore, Md., and transported from the State of Maryland into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "General Brand Tomatoes. * * * Schall Packing Co., Baltimore, Md., U. S. A."

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article and substance represented by the labels on the cans to be contained therein.

It was alleged in substance that the article was misbranded for the reason that the statement borne on the label, to wit, "Tomatoes," was false and misleading, and for the further reason that it was labeled, "Tomatoes," so as to deceive and mislead the purchaser into the belief that the product consisted of tomatoes, whereas, as a matter of fact, it contained 10 per cent added water and did not contain what was represented upon the label appearing thereon.

On November 30, 1917, J. W. Shawl, trading as Schall Packing Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $700, in conformity with section 10 of the act, conditioned in part that the cans of the product should be relabeled so as to show the true contents thereof.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6026. Misbranding of "Akoz." U. S. * * * v. 1 Box * * * of "Akoz." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8524. I. S. Nos. 1017–p, 1018–p, 1019–p, 1020–p, 1021–p, 1022–p. S. No. E–894.)

On October 16, 1917, the United States Attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one box containing 320 pounds of articles purporting to be drugs and drug compounds designated as "Akoz," consigned on or about August 23, 1917, by the Natura Co., San Francisco, Cal., alleging that the article had been shipped and transported from the State of California into the State of New York, in transit to Bilbao, Spain, and charging misbranding in violation of the Food and Drugs Act, as amended.

The various articles were labeled: "Akoz Ointment," "Akoz Compound," "Akoz Rectal Suppositories," "Akoz Medicinal Mineral Internal," "Akoz Dusting Powder," and "Akoz Plaster." (On labels:) "Akoz Ointment—A Natural Remedy for Skin Diseases, Eczema, Barbers Itch, Scalp Diseases, Hemorrhoids * * *." "Akoz Rectal Suppositories—Hemorrhoids, Fistules, Inflammations, Ulcerations * * *." "Akoz Powder—A Natural Remedy for Stomach Troubles, Indigestion, Dyspepsia, Kidney Troubles, Rheumatism." "Akoz Dusting Powder—A Natural Remedy for Skin Diseases, Acne, Eczema, Poison Oak, Pruritus, Chronic Ulcers." "Akoz Plaster—For Rheumatism, Neuritis, Neuralgia, Pain in Back, and Congestion." "Akoz Compound—A Natural Remedy for Rheumatism * * * Neuralgia." (On circular:) "After the curative virtues of Akoz for rheumatism, stomach, kidney, bladder, and liver troubles, eczema, catarrh, piles, ulcers, and numerous other ailments had been fully established * * *. The Akoz treatment for all stomach troubles has been thoroughly tried out and positively proved effective * * * if one suffering from stomach troubles will take the Akoz treatment faithfully for not less than one month, he can be assured of marked improvement, and another month usually gives complete relief. * * * Bowel, liver, and bladder troubles are treated in the same manner as recommended for stomach troubles. * * * Rheumatism * * * Gout, sciatica and lumbago, * * * neuralgia and neuritis. * * * Akoz has proven most effective in the treatment of diabettes [diabetes], Bright's disease, and congestion of the kidneys * * * adema and ascites * * * Pyorrhea and Toothache * * * Catarrh of nose and throat * * * catarrh, cystitis, inflammation of bladder and frequent urination. * * * The Akoz treatment is undeniably a most effective remedy for various skin diseases, whether epidermal in character or due to impurities in the blood. The most common skin diseases are eczema, pimples (acne), scalp rashes, barber's itch, ringworm, and bites and stings of insects * * * ulcers, chronic and varicose * * * poison oak, poison ivy. * * * Hemorrhoids (Piles), Internal, External, and Bleeding * * * Pruritis (Itching) * * * Enlarged Prostate Gland * * * Ulcers and Inflammation of rectum * * * all rectal diseases * * * Tonsilitis. * * * It will build up the skin, give a good complexion and better color, and heighten the vitality."

Misbranding of the articles was alleged in substance in the libel for the reason that the statements borne on the labels thereof and included in the circular accompanying the articles, as to the curative qualities thereof, were false and fraudulent in that the articles contained no ingredient or combination of ingredients capable of producing any of the therapeutic effects claimed for them on the labels and circular.

On December 15, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6027. Adulteration of sardines. U. S. * * * v. 1,200 Cases * * * of Sardines. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8525. I. S. No. 3157-p. S. No. E-893.)

On October 13, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,200 cases, each containing 100 cans of sardines, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about September 20, 1917, by the Portland Products Co., Portland, Me., and transported from the State of Maine into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted, in particular, in part of a filthy, decomposed, and putrid animal substance.

On December 17, 1917, the said Portland Products Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $7,000, in conformity with section 10 of the act, conditioned in part that the article should be examined by a representative of this department, and that the portion found fit for food should be released to said claimant and the portion found unfit should be destroyed or denatured.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6028. Adulteration of tomato pulp. U. S. * * * v. 300 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8526. I. S. No. 2332–p. S. No. E–895.)

On October 15, 1917, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases of tomato pulp, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about September 12, 1917, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Big R Brand Tomato Pulp * * * Roberts Bros. * * * Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On November 5, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6029. Adulteration of tomato pulp. U. S. * * * v. 300 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8527. I. S. No. 2333-p. S. No. E-896.)

On October 13, 1917, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases, each containing 4 dozen cans of tomato pulp, consigned by the Baltimore Canning Co., Baltimore, Md., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about September 5, 1917, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Old Scout Brand Tomato Pulp * * * Packed by Baltimore Canning Co., Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On November 5, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6030. Adulteration of tomato pulp. U. S. * * * v. 200 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8532. I. S. No. 2334-p. S. No. E-898.)

On October 15, 1917, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 4 dozen cans of tomato pulp, consigned by Roberts Bros., Baltimore, Md., remaining unsold in the original packages at Philadelphia, Pa., alleging that the article had been shipped on or about September 11, 1917, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Big R Brand Tomato Pulp * * * Roberts Bros. * * * Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On November 5, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6031. Adulteration and misbranding of brandy. U. S. * * * v. The Turner-Looker Co., a corporation (People's Distilling Co.). Plea of guilty. Fine, $50 and costs. (F. & D. No. 8538. I. S. No. 12174-m.)

On January 16, 1918, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Turner-Looker Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, under the name of People's Distilling Co., on or about March 26, 1917, from the State of Ohio into the State of Pennsylvania, of a quantity of an article labeled in part, "Slivowitz Type Brandy," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, reported in grams per 100 liters, 100 proof alcohol, except where otherwise indicated:

Alcohol (per cent by volume)	45.1
Acids, total, as acetic	17.3
Esters, as acetic	21.5
Aldehydes, as acetic	5.05
Fusel oil	17.5

The product is a mixture of neutral spirits and brandy.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, neutral spirits, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality, and had been substituted in part for brandy, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Brandy," borne on the tag attached to the keg containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was brandy; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was brandy, whereas, in truth and in fact, it was not, but was a mixture composed in part of neutral spirits; and for the further reason that the statement, to wit, "Slivowitz Type Brandy," borne on the keg containing the article regarding it and the ingredients and substances contained therein was false and misleading in that it represented that the article was a product of brandy type; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product of brandy type, whereas, in truth and in fact, it was not, but was a product composed in whole or in part of neutral spirits.

On January 28, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6032. Adulteration of mineral water. U. S. * * * v. 136 Carboys of Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8539. I. S. Nos. 2835–p, 2836–p. S. No. E–905.)

On October 26, 1917, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 136 carboys of mineral water, consigned on or about August 15, 1917, by the Geneva Mineral Water Co., Brooklyn, N. Y., remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed animal and vegetable substance.

On January 17, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6033. Adulteration of tomatoes. U. S. * * * v. 1,800 Cases * * * of Tomatoes. Product ordered released on bond. (F. & D. No. 8540. I. S. Nos. 2550-p, 2551-p. S. No. E-906.)

On October 29, 1917, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,800 cases, each containing 24 cans of tomatoes, consigned on or about October 11, 1917, by the Claybrook-Neale Packing Co., Bowler's Wharf, Va., remaining unsold in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped and transported from the State of Virginia into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Aunt Jane Brand Tomatoes. Packed by The Claybrook-Neale Packing Company, Bowler's Wharf, Essex Co., Va."

Adulteration of the article was alleged in substance in the libel for the reason that added water had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for tomatoes.

On November 16, 1917, F. W. Wagener & Co., Charleston, S. C., claimants, filed an answer and claim for the product, and on November 22, 1917, it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the article should not be sold or otherwise disposed of without having been branded with a label reading: "This can contains ten per cent of water."

CARL VROOMAN, *Acting Secretary of Agriculture.*

6034. Adulteration of tomato puree. U. S. * * * v. 500 Cases * * * of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8542. I. S. No. 1033–p. S. No. E–908.)

On October 29, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cases, each containing 48 cans of tomato puree, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about September 14, 1917, by the Morris Canning Co., Lambertville, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Morris' Best Tomato Puree * * * Packed by Morris Canning Co. Lambertville, N. J."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On December 1, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6035. Adulteration and misbranding of brandy. U. S. * * * v. Joseph E. Klein, Walter L. Klein, and H. George Sickles, copartners (Klein Bros.). Pleas of guilty. Fine, $50 and costs. (F. & D. No. 8543. I. S. No. 12173-m.)

On December 15, 1917, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph E. Klein, Walter L. Klein, and H. George Sickles, copartners, trading as Klein Bros., Cincinnati, Ohio, alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 26, 1917, from the State of Ohio into the State of Pennsylvania, of a quantity of an article labeled in part, "Treshter Brandy," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, reported in grams per 100 liters, 100 proof alcohol, except where otherwise indicated:

Alcohol (per cent by volume)	44.6
Acids, total, as acetic	3.4
Esters, as acetic	14.7
Aldehydes, as acetic	2.87
Fusel oil	10.9

The product is a mixture of neutral spirits and brandy.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, neutral spirits, had been mixed and packed therewith so as to reduce or lower and injuriously affect its quality, and had been substituted in part for Treshter brandy, to wit, pomace brandy, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Treshter Brandy," borne on the barrel containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was Treshter brandy, to wit, pomace brandy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was Treshter brandy, to wit, pomace brandy, whereas, in truth and in fact, it was not, but was a mixture composed in part of neutral spirits.

On March 11, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6036. Adulteration of tomato puree. U. S. * * * v. 185 Cases * * * of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8545. I. S. No. 1034–p. S. No. E–909.)

On November 2, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 185 cases, each containing 48 cans of tomato puree, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about October 11, 1917, by the Morris Canning Co., Lambertville, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Morris' Tomato Puree * * * Morris Canning Co., Lambertville, N. J."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, decayed and moldy tomato puree.

On December 1, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6037. Adulteration and misbranding of oil of sassafras. U. S. * * * v. 2 Cans * * * of * * * Oil of Sassafras. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8546. I. S. No. 1135-p. S. No. E-910.)

On November 2, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cans, each containing approximately 50 pounds of an article purporting to be oil of sassafras, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about October 25, 1917, by J. B. Johnson, Hickory, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that synthetic oil of sassafras had been substituted for genuine oil of sassafras, and for the further reason that synthetic oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil of sassafras.

On November 22, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be relabeled as "Imitation oil of sassafras," and be sold by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6038. Adulteration of tomatoes. U. S. * * * v. 700 Cases of Tomatoes. Product released on bond. (F. & D. No. 8548. I. S. Nos. 9384–p, 9385–p. S. No. C–752.)

On November 2, 1917, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 700 cases of tomatoes, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about September 6, 1917, by S. G. Messick, Quantico, Md., and transported from the State of Maryland into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Wicomico Queen Tomatoes, * * * Packed by S. G. Messick, Quantico, Wicomico Co., Md., U. S. A.," or "Holland Brand, Packed by H. S. Holland & Co., Salem, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for tomatoes.

On December 14, 1917, the Coast Products Co., a corporation, St. Louis, Mo., claimant, having filed an answer to the libel and a claim for the tomatoes, it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the article should be relabeled by the addition of the phrase, "contains added water."

CARL VROOMAN, *Acting Secretary of Agriculture.*

6039. Adulteration and misbranding of brandy cognac type. U. S. * * * v. Hildebrandt, Posner & Co., Inc., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 8558. I. S. No. 22562-m.)

On January 24, 1918, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hildebrandt, Posner & Co., Inc., a corporation, San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 30, 1917, from the State of California into the State of Nevada, of a quantity of an article labeled in part, "Brandy Cognac Type, Hildebrandt, Posner & Co., Incorporated, San Francisco, Cal.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, expressed, unless otherwise stated, as grams per 100 liters, 100 proof spirit:

Proof at 60° F. (degrees)	85.3
Solids	439.4
Acids, total, as acetic	21.4
Esters, as acetic	18.8
Aldehydes, as acetic	9.4
Furfural	0.60
Fusel oil	19.9
Color (degrees, Lovibond, 0.5-inch cell)	8.5
Color insoluble in amyl alcohol (per cent)	40

Paraldehyde test for caramel: Positive.

Caramel: Present.

Residue on distillation showed trace of resins, slight odor of wood.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, neutral spirits, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality, and had been substituted in whole or in part for brandy, cognac type, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Brandy, Cognac Type," borne on the labels attached to the bottles, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was brandy, cognac type, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was brandy, cognac type, whereas, in truth and in fact, it was not, but was a product composed in whole or in part of neutral spirits.

On February 7, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6040. Adulteration of tomato pulp. U. S. * * * v. William B. Mantik and Frank Mantik (Mantik Packing Co.). Pleas of guilty. Fine, $15 and costs. (F. & D. No. 8562. I. S. Nos. 2045–m, 2046–m, 3103–m.)

On January 29, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William B. Mantik and Frank Mantik, copartners, trading as the Mantik Packing Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about November 20, 1916, December 2, 1916, and October 7, 1916, from the State of Maryland into the States of New Jersey (two first-mentioned shipments) and Rhode Island (last-mentioned shipment), of a quantity of an article labeled in part, "Highland Square Brand Tomato Pulp" or "Ruxton Brand Tomato Pulp," which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the tomato pulp was made from rotten and moldy tomatoes.

Adulteration of the article in each shipment was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 29, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $15 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6041. Adulteration of tomato pulp. U. S. * * * v. 79 Barrels of Tomato Pulp * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8573. I. S. No. 2847-p. S. No. E-911.)

On November 5, 1917, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 79 barrels of tomato pulp, consigned on or about October 13, 1917, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Mantik Packing Co., Baltimore, Md., and transported from the State of Maryland into the State of Pennsylvania, and reshipped into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid vegetable substance.

On January 17, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6042. Adulteration of powdered milk. U. S. * * * v. 4 Drums * * * of Powdered Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8574. I. S. No. 11806–p. S. No. C–754.)

On November 6, 1917, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 drums, each containing approximately 200 pounds of powdered milk, remaining unsold at Dubuque, Iowa, alleging that the article had been shipped on or about July 2, 1917, by Sethness Co., Chicago, Ill., and transported from the State of Illinois into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance and product.

On December 7, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6043. Adulteration and misbranding of gelatin. U. S. * * * v. 2 Barrels and 1 Barrel of Ground Gelatin. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 8575, 8576. I. S. Nos. 15827-p, 15828-p, 15829-p. S. No. C-753.)

On November 9, 1917, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 barrels and 1 barrel of ground gelatin, remaining unsold in the original unbroken packages at Beloit, Wis., alleging that the article had been shipped on January 2, 1917, and January 19, 1917, by Habicht, Braun & Co., Chicago, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Ground Gelatine."

Adulteration of the article was alleged in substance in the libels for the reason that it had been so mixed and packed with glue and to such an extent and amount as to reduce, lower, and injuriously affect its quality, and for the further reason that it contained added poisonous and other added deleterious ingredients, to wit, copper and zinc, which might render the article injurious to health, which said substances, to wit, glue, copper, and zinc, had been wholly or in part substituted for ground gelatin, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, ground gelatin, whereas, in truth and in fact, it was not, but consisted partly of a mixture of glue, copper, and zinc, and for the further reason that the statement on the label was false and misleading and calculated to deceive and mislead the purchasers thereof.

On December 8, 1917, the said Habicht, Braun & Co., claimant, having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of bond in the aggregate sum of $1,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6044. Adulteration of gelatin. U. S. * * * v. 22 Barrels of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8578. I. S. No. 19852–p. S. No. C–755.)

On or about November 12, 1917, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 barrels of gelatin, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped on or about August 5, 1916, by J. G. Cherry Co., Cedar Rapids, Iowa, and transported from the State of Illinois into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was invoiced as "Perfection A. A. Gelatin."

Adulteration of the article was alleged in the libel for the reason that it contained added poisonous and deleterious ingredients, to wit, arsenic, copper, and zinc, which might render the article injurious to health.

On December 20, 1917, the said J. G. Cherry Co., claimant, having admitted the allegations on the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of the bond in the sum of $2,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6045. Adulteration of tomato pulp. U. S. * * * v. 150 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8580. I. S. No. 1655-p. S. No. E-914.)

On November 9, 1917, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases, each containing 48 cans of tomato pulp, consigned on or about October 4, 1917, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by W. H. Roberts & Co., Baltimore, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Seaside Brand Tomato Pulp. * * * Packed by W. H. Roberts & Co., Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 10, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6046. Adulteration of tomato pulp. U. S. * * * v. 84 Barrels * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8583. I. S. No. 3158–p. S. No. E–902.)

On October 22, 1917, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 84 barrels, each containing 48 gallons of tomato pulp, remaining unsold in the original unbroken packages at Albion, N. Y., alleging that the article had been shipped on or about September 24, 1917, by the Ernest Griffith Co., Baltimore, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and moldy vegetable substance.

On November 22, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6047. Adulteration of tomato pulp. U. S. * * * v. 350 and 100 Cases * * * of Tomato Pulp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 8584. I. S. Nos. 1031–p, 1032–p. S. Nos. E–915, E–917.)

On November 13, 1917, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 350 cases, each containing 48 cans of tomato pulp, and 100 cases of tomato pulp, consigned on or about October 4, 1917, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by R. E. Roberts Co., Jacksown Wharf, Md., and transported from the State of Maryland into the State of New York and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Old Reliable Brand * * * Tomato Pulp. Packed by Lord-Mott Co., Baltimore, Md.," and "Betterton Brand Tomato Pulp. Packed by the Chas. Wacker Co., Baltimore, Md."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 10, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6048. Adulteration of grapefruit. U. S. * * * v. 300 Boxes * * * of Grapefruit. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8590. I. S. No. 8237–p. S. No. C–758.)

On November 17, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 boxes of grapefruit at Chicago, Ill., alleging that the article had been shipped on October 30, 1917, by John A. Eck Co., Kissimmee, Fla., and transported from the State of Florida into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it had been colored in a manner whereby inferiority was concealed, and for the further reason that immature grapefruit had been substituted in part for mature grapefruit, which the article purported to be.

On November 22, 1917, the said John A. Eck Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be relabeled under the direction of the United States marshal, "Colored by Sweating," and should thereafter be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6049. Adulteration of tomato pulp. U. S. * * * v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8591. I. S. No. 1042-p. S. No. E-924.)

On November 20, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about November 1, 1917, by J. Frank Hearn, Wingate, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Fox Creek Brand Tomato Pulp. * * * Packed by J. Frank Hearn, Wingate, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance, to wit, decomposed tomatoes.

On December 10, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6050. Adulteration of prunes. U. S. * * * v. Joseph Peters. Plea of guilty. Fine, $20. (F. & D. No. 8593. I. S. No. 5423–m.)

On January 21, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph Peters, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on June 23, 1917, from the State of New York into the State of Pennsylvania, of one unlabeled box and one unlabeled barrel of prunes which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

> Sample from box was more or less soft, fermented, some few of the prunes covered with a few sugar mites. Many had white blotches upon them, which blotches by microscope were shown to be yeasts, many of which were budding. The yeasty fermentation odor was quite pronounced.
>
> Sample from barrel was of same general character as that from box except that more mites were present. Yeasty fermentation odor quite pronounced.
>
> Product, in both packages, seemed to consist of fermented prunes.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 23, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 6051–6100.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 24, 1918.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

6051. Misbranding of "Pan-Pac." U. S. * * * v. Collins-McCarthy Candy Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 8605. I. S. No. 22234-m.)

On February 6, 1918, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Collins-McCarthy Candy Co., a corporation, San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 28, 1917, from the State of California into the Territory of Hawaii, of a quantity of an article labeled in part, "Pan-Pac The New Nut Confection * * * Net Weight 2 Ounces," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the product to be pieces of taffy candy, coated with what appeared to be chocolate, shaped somewhat like chocolate coated almonds. No nuts were found either in the candy or in the box. Four boxes opened contained, respectively, 1.40 ounces, 1.46 ounces, 1.61 ounces, and 1.63 ounces, or an average of 1.52 ounces of candy, which was a shortage of 24 per cent below the declared amount. The boxes were about one-quarter filled, and each box also contained a small toy.

Misbranding of the article was alleged in the information for the reason that the statement, "Nut Confection," borne on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted in part of nuts, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained nuts, whereas, in truth and in fact, it did not. Misbranding was alleged for the further reason that the statement,

"Pan-Pac, Net Weight 2 Ounces," borne on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that each package contained 2 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 2 ounces of the article, whereas, in truth and in fact, each of the packages did not contain 2 ounces of the article, but contained a less amount, to wit, approximately 1.52 ounces.

On February 11, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6052. Misbranding of cottonseed meal. U. S. * * * v. Union Seed & Fertilizer Co., a corporation. Plea of guilty. Fine, $25 and costs. F. & D. No. 8606. I. S. No.. 20069-m.)

On January 12, 1918, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Union Seed & Fertilizer Co., a corporation, doing business at St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 20, 1916, from the State of Missouri into the State of Illinois, of a quantity of an article labeled in part, "American Red Tag Cotton Seed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)	13.0
Nitrogen (per cent)	5.81
Ammonia (NH_3) (per cent)	7.06
Protein ($N \times 6.25$) (per cent)	36.3

The above analysis shows that this product contains less nitrogen, ammonia, and protein, and more crude fiber than declared on the label.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Guarantee Ammonia not less than 7.50 Nitrogen not less than 6.17 Protein not less than 38.55 * * * Crude fiber not more than 11.50 Per Cent," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 7.50 per cent of ammonia, not less than 6.17 per cent of nitrogen, not less than 38.55 per cent of protein, and not more than 11.50 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 7.50 per cent of ammonia, not less than 6.17 per cent of nitrogen, not less than 38.55 per cent of protein, and not more than 11.50 per cent of crude fiber, whereas, in truth and in fact, it contained less ammonia, nitrogen, and protein, and more crude fiber than was declared on the label, to wit, approximately 7.06 per cent of ammonia, approximately 5.81 per cent of nitrogen, approximately 36.3 per cent of protein, and approximately 13.0 per cent of crude fiber.

On March 5, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6053. Adulteration and misbranding of pennyroyal oil. U. S. * * * v. 1 Can * * * of Pennyroyal Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8607. I. S. No. 1154-p. S. No. E-930.)

On December 3, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one can, containing 60 pounds of pennyroyal oil, consigned on or about October 30, 1917, by M. G. Teaster, Elk Park, N. C., and transported from the State of North Carolina into the State of New York, alleging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Pennyroyal Oil."

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding of the article was alleged for the reason that the statement, "Pennyroyal Oil," borne on the label of the can, was false and misleading in that the article was not composed entirely of pennyroyal oil, but contained approximately 32 per cent of mineral oil. Misbranding was alleged for the further reason that it was an importation [imitation of] and was offered for sale under the name of another article, to wit, "Pennyroyal Oil."

On December 19, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be relabeled and sold by the United States marshal as "Imitation Pennyroyal Oil, containing approximately 32 per cent of mineral oil." On February 13, 1918, upon a showing to the court that no bids had been received or offered for the purchase of the article and that the marshal had been unable to dispose of the same by sale, an order was entered that the writ for the sale of the article should be set aside and canceled, and it was further ordered that the article should be delivered to the Bureau of Chemistry of this department for disposition in the interest of the United States.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6054. Adulteration and misbranding of ginger and brandy cordial. U. S. * * * v. Fialla & Eppler (Inc.), a corporation. Plea of guilty. Fine, $100. (F. & D. No. 8608. I. S. No. 1563-m.)

On January 17, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fialla & Eppler (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on March 1, 1917, from the State of New York into the State of Pennsylvania, of a quantity of an article labeled in part, "Triumph Brand Ginger and Brandy Cordial," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 liters to 100 proof unless otherwise stated:

Proof	48.8
Total acids as acetic	24.6
Esters as ethyl acetate	10.8
Aldehydes as acetaldehyde	9.8
Furfural: Trace.	
Fusel oil	12.7

The analysis shows the product to contain neutral spirits, and to have a very little, if any, brandy present.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, neutral spirits, had been substituted in whole or in part for ginger and brandy cordial, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Ginger and Brandy Cordial," borne on the labels attached to the bottles, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was ginger and brandy cordial, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was ginger and brandy cordial, whereas, in truth and in fact, it was not, but was a product composed in whole or in part of neutral spirits. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not placed or conspicuously marked on the outside of the package.

On January 30, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6055. Adulteration of tomato pulp. U. S. * * * v. 20 Barrels of Tomato Pulp. Heard by the court and a jury. Finding for the Government. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8615. I. S. No. 3257-p. S. No. E-925.)

On November 23, 1917, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 barrels of tomato pulp, consigned on or about November 8, 1917, remaining unsold in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by Ernest Griffith Co., Baltimore, Md., and transported from the State of Maryland into the State of South Carolina, charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On January 22, 1918, no claimant having appeared for the property, the case was called for hearing before the court and a jury, and, after the submission of evidence, the jury returned a verdict for the Government. Thereupon a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6056. Adulteration and misbranding of sardines. U. S. * * * v. 85 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8616. I. S. No. 16126–p. S. No. W–201.)

On November 23, 1917, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 85 cases, each containing 12 cans of sardines, consigned on or about October 18, 1917, by C. E. Van Landingham Co., Los Angeles, Cal., remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Balboa Brand Sardines * * * Sardelle Salate Alla Carne-Senza Testa."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy and decomposed animal substitute [substance].

Misbranding of the article was alleged for the reason that it purported to be a foreign product, whereas, in fact, it was of domestic origin and manufactured in the State of California.

On January 8, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6057. Adulteration of flour. U. S. * * * v. 75 Sacks of Flour. Product ordered released on bond. (F. & D. No. 8623. I. S. No. 16512–p. S. No. W–202.)

On November 30, 1917, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 sacks of flour, consigned on or about April 14, 1916, by the Blodgett Milling Co., Janesville, Wis., remaining unsold in the original unbroken packages at Pueblo, Colo., alleging that the article had been shipped and transported from the State of Wisconsin into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that the said flour was infested with webs, dead worms, live worms, dead weevil, and live weevil.

On January 3, 1918, the Henkel Duke Mercantile Co., Pueblo, Colo., claimant, having filed a claim for the product, the court found the product to be adulterated and ordered that it should be released to said claimant upon the execution of a bond in the sum of $200, in conformity with section 10 of the act, conditioned upon the payment of the costs of the proceedings, and that the product would not be sold or used in any way for human consumption.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6058. Adulteration of tomatoes. U. S. * * * v. 600 Cases * * * of Tomatoes. Product ordered released on bond. (F. & D. No. 8624. I. S. No. 2409-p. S. No. E-932.)

On November 28, 1917, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases, each containing 2 dozen cans of tomatoes, consigned on or about October 28, 1917, by the Claybrook-Neale Packing Co., Bowler's Wharf, Va., remaining unsold in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped and transported from the State of Virginia into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Aunt Jane Brand * * * Tomatoes. Packed by The Claybrook-Neale Packing Company, Bowler's Wharf, Essex Co., Va."

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for tomatoes.

On December 12, 1917, F. W. Wagener & Co., Charleston, S. C., claimants, having filed an answer and claim for the product, it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act, conditioned in part that the cans of the article should not be sold or otherwise disposed of without the same having been branded with a label reading, "This can contains ten per cent of water."

CARL VROOMAN, *Acting Secretary of Agriculture.*

6059. Adulteration of tomato pulp. U. S. * * * v. 85 Barrels of Tomato Pulp. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8629. I. S. No. 1515-p. S. No. E-933.)

On December 3, 1917, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 85 barrels of tomato pulp, remaining unsold in the original unbroken packages at Albion, N. Y., alleging that the article had been shipped on or about November 17, 1917, by Ernest Griffith Co., Baltimore, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and moldy vegetable substance.

On January 23, 1918, the said Ernest Griffith Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, in conformity with the section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6060. Adulteration and misbranding of tomato pulp. U. S. * * * v. 98 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 8627. I. S. No. 2354–p. S. No. E–926.)

On December 3, 1917, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 98 cases, each containing 48 cans of tomato pulp, consigned by Roberts Bros., Baltimore, Md., remaining unsold in the original unbroken packages, at Philadelphia, Pa., alleging that the article had been shipped on or about November 6, 1917, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged in substance for the reason that the packages inclosing the article contained a label which bore the statement, "10 oz.," regarding the article and the ingredients and substances contained therein, which was false and misleading, in that said statement indicated to the purchaser that the packages each contained 10 ounces of tomato pulp, when, in fact, they did not.

On January 9, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6061. Adulteration of tomato pulp. U. S. * * * v. 20 Barrels of Tomato pulp. Heard by the court and a jury. Finding for the Government. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8631. I. S. No. 1726-p. S. No. E-940.)

On December 3, 1917, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 barrels of tomato pulp, consigned on or about November 15, 1917, alleging that the article had been shipped by Ernest Griffith Co., Baltimore, Md., and transported from the State of Maryland into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On January 22, 1918, no claimant having appeared for the property, and the case having come on for hearing before the court and a jury, after the introduction of testimony the case was given to the jury, and a verdict was returned finding the product to have been adulterated. Thereafter, on January 30, 1918, judgment of condemnation and forfeiture was entered, and the court ordered the destruction of the goods in conformity with the foregoing verdict.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6062. Adulteration of sardines. U. S. * * * v. 860 Cases * * * of Sardines. Consent decree of condemnation and forfeiture. Product ordered delivered to claimant on bond for sorting. Good portion to be released for food purposes and balance to be destroyed or denatured. (F. & D. No. 8633. I. S. No. 2645-p. S. No. E-938.)

On December 3, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 860 cases, each containing 100 cans of sardines, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by E. A. Holmes Packing Co., Eastport, Me., and transported from the State of Maine into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Holmes American Sardines. * * * Packed by E. A. Holmes Packing Co., Eastport, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On January 30, 1918, Jed Fry & Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of costs of the proceedings and the execution of a bond in the sum of $5,000, in conformity with section 10 of the act, conditioned in part that the product should be sorted and inspected under the supervision of a representative of this department, and that the portion found to be sound should be released to the claimant for food purposes, and that the balance should be destroyed or denatured.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6063. Adulteration of sardines. U. S. * * * v. 875 Cases * * * and 125 Cases of Sardines. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8640. I. S. Nos. 2642-p, 10418-p. S. No. C-771.)

On December 11, 1917, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 875 cases of sardines in oil, and 125 cases of sardines in mustard sauce, remaining unsold in the original unbroken packages at Shreveport, La., alleging that the article had been shipped on or about October 25, 1917, by the E. A. Holmes Packing Co., Eastport, Me., and transported from the State of Maine into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "* * * Holmes American Sardines. * * * Packed by E. A. Holmes Pkg. Co., Eastport, Maine," and "E. A. Holmes Brand, Medal, packed at Eastport, Washington County, Maine, by E. A. Holmes Packing Company * * *."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a decomposed animal substance.

On March 1, 1918, the case having come on for final disposition, and the said E. A. Holmes Packing Co., claimant, having admitted the allegations of the libel as to the 875 cases of sardines packed in oil, and the United States attorney having admitted that the 125 cases of sardines packed in mustard were not adulterated, as alleged, judgment of condemnation and forfeiture was entered as to the 875 cases aforesaid, and it was ordered by the court that the said sardines might be released to the claimant company upon the payment of the costs of the proceedings, and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the 875 cases should be examined under the supervision of a representative of this department, and that the good portion, if any, be separated from the bad, and that those found to be free from adulteration be forthwith delivered to said claimant, and those found to be adulterated should forthwith be destroyed or denatured at the expense of said claimant company. It was further ordered by the court that the 125 cases packed in mustard, which were not adulterated as alleged in the libel, should be released and delivered to said claimant company.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6064. Adulteration of prunes. U. S. * * * v. 200 Boxes of Prunes. Product found adulterated. Goods delivered to claimant on bond. Unfit portion ordered destroyed. (F. & D. No. 8641. I. S. No. 16514–p. S. No. W–204.)

On December 8, 1917, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 boxes of prunes, consigned on or about March 9, 1917, by Rosenberg Bros. & Co., San Francisco, Cal., remaining unsold in the original unbroken packages at Pueblo, Colo., alleging that the article had been shipped and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance and animal matter, namely, larvæ of common fruit moth, living worms, refuse, and disintegrated vegetable matter.

On January 7, 1918, the Henkel Duke Mercantile Co., Pueblo, Colo., having filed a claim for the product, the court found the product to be adulterated and ordered that the same should be released to said claimant upon the execution of a bond in the sum of $400, in conformity with section 10 of the act, conditioned that the claimant should sort the prunes, separating the good from the bad, and destroy all prunes unfit for human food, and pay the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6065. Adulteration of tomato pulp. U. S. * * * v. 1,188 Cans of Tomato Pulp * * *. Product ordered released on bond. (F. & D. No. 8643. I. S. No. 3179-p. S. No. E-923.)

On November 21, 1917, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,188 cans of tomato pulp, remaining unsold in the original packages at Cambridge, Md., alleging that the article had been shipped by the James Wallace Packing Co., Cambridge, Md., and transported from the State of Maryland into the State of New York, and reshipped into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 18, 1918, James W. Waddell and M. Brent Waddell, copartners, trading as the James Wallace Packing Co., claimants, having consented to a decree, it was ordered by the court that the product should be released to said claimants upon the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the article should be used only for the purpose of cattle feed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6066. Adulteration of tomato pulp. U. S. * * * v. 19 Barrels of Tomato Pulp. Heard by the court and a jury. Finding for the Government. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8644. I. S. No. 2581–p. S. No. E–948.)

On December 10, 1917, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 barrels of tomato pulp, consigned on or about December 3, 1917, remaining unsold in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by Ernest Griffith Co., Baltimore, Md., and transported from the State of Maryland into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On January 22, 1918, no claimant having appeared for the property, and the case having come on to be heard before the court and a jury, after the introduction of testimony the case was given to the jury, and a verdict was returned finding the product to have been adulterated. Thereafter, on January 30, 1918, the court entered judgment for the destruction of the goods in conformity with the foregoing verdict.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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6067. Adulteration of tomatoes. U. S. * * * v. 1,196 Cases * * * of Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 8645. I. S. Nos. 3405–p, 3406–p. S. No. E–944.)

On December 11, 1917, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,196 cases of tomatoes, consigned by John T. Handy Co., Crisfield, Md., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about October 26, 1917, from the State of Maryland into the State of Virginia, and reconsigned from Virginia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Riverside Brand Tomatoes. * * * Packed by John T. Handy Co., Crisfield, Md."

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

On January 23, 1918, the said John T. Handy Co., claimant, having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $1,500, in conformity with section 10 of the act, conditioned in part that the article should be relabeled under the supervision of a representative of this department.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6068. Adulteration of oats. U. S. * * * v. 350 Sacks of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8650. S. No. C–778.)

On December 22, 1917, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 350 sacks of oats at Waco, Tex., alleging that the article had been shipped on or about November 29, 1917, by the Halliday Elevator Co., Cairo, Ill., and transported from the State of Illinois into the State of Texas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed therewith, so as to reduce and lower and injuriously affect its value, and that added water had been substituted in part for oats.

On February 6, 1918, the Clement Grain Co., a corporation, Waco, Tex., claimant, having filed an answer to the libel and claim for the oats, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant, upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the said oats should not be sold or disposed of before the same were properly relabeled or rebranded so as to show the amount of moisture contained therein.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6069. Adulteration of anchovies. U. S. * * * v. 49 Cases of Anchovies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8652. I. S. No. 16718-p. S. No. W-205.)

On December 17, 1917, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 49 cases, each containing 24 tins of anchovies, consigned on or about September 23, 1917, by the Italian Fish Co., Wilmington, Cal., remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Anchovies in salt extra Genova Brand, packed by Italian Fish Co., Los Angeles, Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

On January 8, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6070. Adulteration of sardines. U. S. * * * v. 88 Cases * * * of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8664. I. S. No. 16719–p. S. No. W–206.)

On December 17, 1917, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 88 cases, each containing 24 cans of sardines, consigned on September 23, 1917, by the Italian Fish Co., Wilmington, Cal., and on September 8, 1917, by the Los Angeles Star Fish Co., Wilmington, Cal., remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped and transported from the State of California into the State of Washington and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Sardines in Salt * * * Genoa Brand Packed by Italian Fish Co., Los Angeles, Cal."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy and decomposed animal substance.

On January 8, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6971. Adulteration of oranges. U. S. * * * v. 396 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8680. I. S. No. 16513-p. S. No. W-203.)

On November 30, 1917, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 396 boxes of oranges, consigned on November 9, 1917, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that said oranges were decomposed, that is to say, had been frozen, and, as a result of such freezing, had commenced to rot and decay.

On December 29, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal and that the marshal might permit a representative of the City and County of Denver to be present at said destruction, and that, if any of said oranges were found fit for food, they might be delivered to said representative for use by the inmates of any charitable institution of the City and County of Denver.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6072. Adulteration and misbranding of tomato pulp. U. S. * * * v. 100 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8681. I. S. No. 2949-p. S. No. E-951.)

On December 17, 1917, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 48 cans of tomato pulp, consigned by Roberts Bros., Baltimore, Md., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about November 22, 1917, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The shipping cases were labeled in part, "4 Dozen Cans 10 Oz. each * * * Big R Brand."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and numerical count; and further, in substance, in that the label of the article bore the statement, "10 Oz.," regarding the article and the ingredients and substances contained therein, which was false and misleading in that it indicated to the purchaser that each of the packages contained 10 ounces of tomato pulp, when, in fact, they did not.

On January 9, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6073. Misbranding of "Mrs. Joe Person's Remedy." U. S. * * * v. 5 5/12 Dozen Packages of * * * "Mrs. Joe Person's Remedy." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8685. I. S. No. 3276-p. S. No. E-946.)

On December 17, 1917, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of $5\frac{5}{12}$ dozen packages of "Mrs. Joe Person's Remedy," consigned on or about October 4, 1917, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Person Remedy Co., Charlotte, N. C., and transported from the State of North Carolina into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (on carton) "Mrs. Joe Person's Remedy Alcohol 20% For Blood Diseases A General Tonic, Alterative and a Purifier of the Blood. For Erysipelas, Muscular Rheumatism, Tetter, Eruptions and Diseases that come from Impurities of the Blood, also Indigestion and Stomach Troubles."

It was alleged in substance in the libel that the product was misbranded for the reason that, containing no ingredient or combination of ingredients capable of producing the effects claimed for it on the bottle label and on the carton, the therapeutic statements above quoted were false and fraudulent.

On February 26, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6074. Adulteration and misbranding of tomatoes. U. S. * * * v. 825 Cases * * * of Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8687. I. S. No. 2367-p. S. No. E-954.)

On December 19, 1917, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 825 cases, each containing 24 cans of tomatoes, consigned by J. R. Phillips, Keller, Va., alleging that the article had been shipped on or about September 22, 1917, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Mother Goose Tomatoes. Packed by J. Richard Phillips, Jr. Office: Preston, Md. Factory: Berlin, Md."

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding was alleged in substance for the reason that the label of the article bore the statement, "Tomatoes," regarding said article and the ingredients and substances contained therein, which was false and misleading in that said statement indicated that the packages contained tomatoes, when, in fact, they did not.

On January 3, 1918, the said J. R. Phillips, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6075. Adulteration and misbranding of oats. U. S. * * * v. 750 Bags of * * * Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8690. I. S. No. 2004-p. S. No. E-958.)

On December 19, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 750 bags of an article purporting to be oats, consigned by Henry D. McCord & Son, New York, N. Y., remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been offered for shipment, transportation, and export from the State of New York into the Island of Cuba, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Plump and heavy white oats."

Adulteration of the article was alleged in substance in the libel for the reason that barley screenings and no grade white clipped sulphured oats had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that each of the bags containing the article was labeled, "Plump and heavy white oats—160 pounds," whereas the article contained in each of said bags consisted of a mixture of oats, barley screenings, and no grade white clipped sulphured oats.

On February 20, 1918, the said Henry D. McCord & Son, claimant, having filed a claim and stipulation consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be repacked and relabeled either as "Oats and Barley Screenings" or as "Oats, Wild Oats, Barley, Miscellaneous Screenings, Weed Seeds, and Dirt."

CARL VROOMAN, *Acting Secretary of Agriculture.*

6076. Adulteration of ketchup. U. S. * * * v. 65 Cases of Ketchup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8691. I. S. No. 2854–p. S. No. E–956.)

On December 20, 1917, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 65 cases of ketchup, consigned on or about November 30, 1917, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Thomas Roberts Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Maryland and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Table Talk Brand Ketchup * * * Manufactured by R. C. Chance's Sons, Phila., Pa. Mt. Holly, N. J."

Adulteration of the article was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid vegetable substance.

On January 28, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6077. Adulteration and misbranding of tomatoes. U. S. * * * v. 1,678 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8693. I. S. No. 1727-p. S. No. E-959.)

On December 24, 1917, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,678 cases of canned tomatoes, remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped on or about November 20, 1917, by Dawson & Callahan, Lodge, Va., and transported from the State of Virginia into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Lodge Farm Brand Hand Packed Tomatoes * * * Packed by Dawson & Callahan, Lodge, Northumberland Co., Va."

Adulteration of the article was alleged in substance in the libel for the reason that water had been added, mixed, and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding of the article was alleged in substance for the reason that the statement borne on the label, to wit, "Tomatoes," was misleading and such as to deceive and mislead the purchaser into the belief that it consisted entirely of tomatoes, whereas, in truth and in fact, approximately 10 per cent of water had been added thereto.

On March 4, 1918, Ernest Griffith, doing business as Ernest Griffith Co., Baltimore, Md., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $6,000, in conformity with section 10 of the act, conditioned in part that the article should be labeled "Second grade."

CARL VROOMAN, *Acting Secretary of Agriculture.*

6078. Adulteration of mustard seed. U. S. * * * v. 20 Bags of Mustard Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8694. I. S. No. 2856–p. S. No. E–960.)

On January 2, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 bags of mustard seed, consigned on or about November 10, 1917, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Catz American Co., New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On February 26, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6079. Misbranding of "Mrs. Joe Person's Remedy." U. S. * * * v. 38 Dozen Packages of * * * Mrs. Joe Person's Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8697. I. S. No. 3284-p. S. No. E-962.)

On January 7, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 38 dozen packages of "Mrs. Joe Person's Remedy," consigned on or about October 24, 1917, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Augusta Drug Co., Augusta, Ga., and transported from the State of Georgia into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (on bottle) "Mrs. Joe Person's Remedy. * * * A General Tonic * * * and a Purifier of the Blood. * * * Remedy Sales Corporation, Charlotte, N. C." (On carton) "Mrs. Joe Person's Remedy, Alcohol 20%, for Blood Diseases, A General Tonic, Alterative, and a Purifier of the Blood. For Erysipelas, Muscular Rheumatism, Tetter, Eruptions and Diseases that come from Impurities of the Blood, also Indigestion and Stomach Troubles." (On circular:) "Mrs. Joe Person's Remedy * * * Cancer * * * Syphilis * * * Bright's Disease * * * Consumption * * * Eczema * * * Rheumatism * * * Catarrh * * * Lumbago * * * Carbuncles * * * Boils * * * Typhoid Fever * * * Pellagra."

It was alleged in substance in the libel that the product was misbranded for the reason that, containing no ingredient or combination of ingredients capable of producing the effects claimed for it on the bottle label, carton, and circular, the therapeutic statements above quoted were false and fraudulent.

On January 24, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6080. Adulteration of tomato pulp. U. S. * * * v. Leroy M. Langrall (Baltimore Canning Co.). Plea of guilty. Fine, $10 and costs. (F. & D. No. 8715. I. S. No. 2328–p.)

On April 1, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Leroy M. Langrall, trading as Baltimore Canning Co., Baltimore, Md., alleging shipment by said defendant, on or about September 6, 1917, in violation of the Food and Drugs Act, from the State of Maryland into the State of Pennsylvania, of a quantity of an article labeled in part, "Old Scout Brand Tomato Pulp," which was adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the product had been made from decayed tomatoes.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 1, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6081. Adulteration of apple pomace. U. S. * * * v. 24,000 Pounds of Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8728. I. S. No. 10599-p. S. No. C-792.)

On January 14, 1918, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24,000 pounds of apple pomace, remaining unsold at St. Louis, Mo., alleging that the article had been shipped on or about December 24, 1917, by H. M. Dunlap, Savoy, Ill., and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance and was unfit for use as food.

On February 11, 1918, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6082. Adulteration and misbranding of evaporated milk. U. S. * * * v. 1,000 Cases of So-Called Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8736. I. S. No. 1049–p. S. No. E–967.)

On January 18, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases, each containing 48 cans of so-called evaporated milk, at Weehawken, N. J., alleging that the article had been shipped on or about November 10, 1917, and transported from the State of Washington into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Blue Ribbon Brand Milk, manufactured by Enumclaw Milk & Cream Co., Enumclaw, Wash., U. S. A."

Adulteration of the article was alleged in the libel for the reason that a partially evaporated milk had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article purporting to be evaporated milk.

Misbranding of the article was alleged for the reason that the statement, to wit, "Blue Ribbon Evaporated Milk," borne on the label of the cans was false and misleading in that it represented that the article was pure evaporated milk, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure evaporated milk, whereas, in truth and in fact, it was not, but was a product other than pure evaporated milk, to wit, a partially evaporated milk, which had been mixed and packed therewith.

On February 26, 1918, the Enumclaw Milk & Cream Co., Enumclaw, Wash., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $5,500, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of this department.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6083. Adulteration and misbranding of evaporated milk. U. S. * * * v. 1,000 Cases of So-Called Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8737. I. S. No. 1055-p. S. No. E-969.)

On January 18, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases, each containing 48 cans of so-called evaporated milk, at Weehawken, N. J., alleging that the article had been shipped on or about November 6, 1917, and transported from the State of Washington into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Blue Ribbon Brand Milk, Manufactured by Enumclaw Milk & Cream Co., Enumclaw, Wash., U. S. A."

Adulteration of the article was alleged in the libel for the reason that a partially evaporated milk had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article purporting to be evaporated milk.

Misbranding of the article was alleged for the reason that the statement, to wit, "Blue Ribbon Evaporated Milk," borne on the label of the cans, was false and misleading in that it represented that the article was pure evaporated milk, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure evaporated milk, whereas, in truth and in fact, it was not, but was a product other than pure evaporated milk, to wit, a partially evaporated milk, which had been mixed and packed therewith.

On February 26, 1918, the Enumclaw Milk & Cream Co., Enumclaw, Wash., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $5,500, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of this department.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6084. Adulteration of gelatin. U. S. * * * v. 5 Barrels of Gelatin and 1 Barrel of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 8738, 8739. I. S. Nos. 2858–p, 2859–p, 2860–p. S. No. E–966.)

On January 22, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 5 barrels and 1 barrel of gelatin, remaining in the original unbroken packages at Baltimore, Md., consigned on or about December 4, 1917, alleging that the article had been shipped by Charles J. Stevenot & Co., New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels for the reason that glue had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article. Adulteration of the article was alleged for the further reason that it contained added poisonous and deleterious ingredients.

On March 2, 1918, Charles J. Stevenot, trading as Charles J. Stevenot & Co., New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $900, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6085. Adulteration of apple butter stock. U. S. * * * v. 75 Barrels of Apple Butter Stock. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8740. I. S. No. 10600-p. S. No. C-798.)

On January 21, 1918, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 barrels, each containing from 33 to 52 gallons of apple butter stock, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about November 15, 1917, by Dawson Bros. Mfg. Co., Atlanta, Ga., and transported from the State of Georgia into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On February 11, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6086. Adulteration of grapefruit. U. S. * * * v. 365 Boxes of Grapefruit. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8741. I. S. No. 16517-p. S. No. W-208.)

On December 28, 1917, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 365 boxes of grapefruit, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about November 30, 1917, and transported from the State of Florida into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in substance in the libel that the article was adulterated for the reason that it had been frozen and consisted in part of bitter, soft, mushy, and partly decomposed grapefruit.

On February 2, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6087. Misbranding of "Sulferro-Sol." U. S. * * * v. 48 Cartons * * * of "Sulferro-Sol." Heard by the court and jury. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8744. I. S. No. 1731-p. S. No. E-963.)

On January 26, 1918, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 48 cartons, each containing 12 bottles of "Sulferro-Sol," remaining unsold in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped on or about November 26, 1917, by The Sul-Ferro-Sol Co., Inc., Birmingham, Ala., and transported from the State of Alabama into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled:

(On retail packages) "Sul-Ferro-Sol Nature's own remedy. A natural Nerve Tonic and Blood Purifier. Contains no Alcohol. This wonderful compound has been found to be very beneficial in the treatment of Pellagra, Indigestion, Colic, Rheumatism, Dyspepsia, Diarrhoea and various forms of Stomach, Kidney, Bladder, Blood, Skin and Nervous troubles. Price $1.00. Distributed by The Sul-Ferro-Sol Company, Inc., Birmingham, Alabama. This package adopted Jan. 1st, 1917.

"Sulferro-Sol has been found to be very beneficial in the treatment of Pellagra and is very highly recommended for this disease."

(In booklet) "A little booklet which will tell you of Sulferro-Sol, a nature remedy which heals and builds as no other remedy can. * * *.

"In the following diseases Sulferro-Sol will be found to be the most powerful known remedy:

"Pellagra, the most formidable of all diseases heads the list; then comes Dyspepsia and Indigestion, Rheumatism, Kidney and Bladder Troubles, Diarrhoea, Dysentery, Flux and Internal Hemorrhages, Cuts, Burns, Bruises, Old or Flesh Sores, Tetter, Eczema, and all skin diseases, and because of its abundant proportion of iron it makes a wonderful remedy for female troubles—building and toning up the system and enabling it to resist diseases. * * *.

"The Marvelous Healing Power of Sulferro-Sol. Here we are compelled to pause and weigh well our words, lest our secure knowledge of what Sulferro-Sol has accomplished in its conquering campaign against disease lead us into statement which may well seem incredulous to the reader, or at least over-enthusiastic.

"Do not confound Sulferro-Sol with 'Patent Medicines' or with any 'cure all'—it is neither. Sulferro-Sol performs its wondrous work through mineral acids which nature has given to man ready-compounded. We cannot improve it by the addition of any chemical or drug known to science. You have already read a list of the diseases in which Sulferro-Sol has proven itself an easy victor; but we are constantly putting this remedy to the severest tests in other diseases, and in only the rarest instances does this wondrous remedy disappoint our limitless faith in its sublime curative powers. If any claims in this booklet seem too broad, just remember that we are amply fortified with proofs to establish the authenticity of every word here printed. Our files of original letters are open to any one—the public is cordially, earnestly invited to inspect these files at any time.

"The people who wrote these letters want them read by as wide a circle as possible—they feel, in their deep gratitude, that they owe it to the world and to every sufferer to help spread the knowledge of the rescuing work that Sulferro-Sol is doing. Every letter reproduced herein should be an inspiration—an illuminating hope to those who have fought a losing battle with disease. Impure or Impoverished Blood * * *.

"Sulferro-Sol will absolutely drive every disease germ out of the blood. Impure blood and the sores and diseases that come from it cannot remain in the human system when Sulferro-Sol is taken.

"Dyspepsia and Indigestion * * *.

"Taken according to directions, Sulferro-Sol may be taken in deepest confidence for all stomach disorders. It has not, so far, been known to fail in its beneficial work * * *.

"We are reverently glad to tell our readers that Sulferro-Sol has been victorious over Pellagra in thousands of cases—some of which had been given

up as incurable. The dreadful tortures of Pellagra no longer inspire terror in Alabama, South Carolina, and Georgia, where Sulferro-Sol is well known as practically the only certain remedy for this malignant disease. * * *.

"The only Permanent relief for Rheumatism is to thoroughly renovate and cleanse the blood and assist it to carry these salts completely out of the system. Sulferro-Sol will do this More Positively and More Quickly than any other remedy. It has never known failure when properly used, and we urge all sufferers to get this remedy and follow its use faithfully until it has demonstrated its unquestioned ability to effect a permanent relief for this painful disease. No amount of exposure will cause Rheumatism if the blood is maintained in a high degree of health. * * *.

"Reader, do not be mislead—Rheumatism cannot be permanently helped in the slightest degree by liniments. The only way to go to the very seat of Rheumatism is through the blood, and the greatest remedy in all blood troubles is Sulferro-Sol.

"Kidney and Bladder Troubles * * *.

"Impurities that should pass quickly through the kidneys and bladder with the fluids now pass through so sluggishly that poisons are created and a chain of very painful complications follow. Bright's disease, which is not only painful beyond words, but is also incurable, results almost always from this condition. The danger signals from disordered Kidneys and Bladder are numerous and unmistakable. To ignore them means almost certain death in the end, but the right remedy at the right time will most effectively remove all causes for worry and put you back on the road to health. Sulferro-Sol goes direct to the seat of these troubles and performs its work through the blood, healing and soothing as it goes along, stopping all irritations of the walls of the bladder, assisting the kidneys in their functions and restoring normal and healthful conditions both in the Kidneys and Bladder, enabling the patient to take a new hold on life with the glad feeling of returning health. Sulferro-Sol is truly a blessing to humanity provided by nature and Divine wisdom.

"Diarrhoea, Dysentery, Flux and Internal Hemorrhage.

"One of the most wonderful properties of Sulferro-Sol is its positive astringency. In cases of extreme or chronic dysentery, flux or intestinal hemorrhage, it has proven dependably efficacious even when all other remedies failed. Sulferro-Sol should be kept on hand always and depended on for the correction of all stomach and bowel complaints.

"* * * Tetter, Eczema, Itch and all Skin Diseases.

"It was the cure of troubles of the above nature that led to the preparation and sale of Sulferro-Sol. * * *.

"Pellagra.

"We present testimonials bearing on this disease first, because it is the most obstinate of all blood diseases to cure, and there is more skepticism regarding curing this disease, or even relieving it, than any other disease. * * *.

"Rheumatism.

"It is said that Rheumatism is the most prevalent of all afflictions, next to indigestion. Be that as it may, it is agreed by all that it is the cause of universal suffering. Sulferro-Sol, through the wonderful effects of its action on the blood corpuscles, drives out Rheumatism more effectively and more promptly than any other remedy.

"Indigestion.

"This disease simply cannot abide where Sulferro-Sol is used. No matter how long you have had indigestion, nor how severely, Sulferro-Sol will reach it and dislodge it. * * *.

* * *

"Tuberculosis of the bone.

"Here is a phenomenal record of cure, which will remove all skepticism as to the merits of our remedy: * * * Nature's Amazing Specific For All Blood Troubles * * *.

"Pellagra will be increased by high cost of living.

"South Carolina press warns against corn diet.

"The press of South Carolina is sending out warnings concerning too much corn meal as daily food. While corn meal is highly nutritious and a most palatable food it contains a heavy percentage of Pellagra prophylactics and a too frequent use of it as a food will tend to increase the development of Pellagra. This opinion is gaining much credence in South Carolina where Pellagra has been given much study by State and Government authorities.

"In connection with this statement it would seem a most propitious time to tell the public of a remedy for Pellagra that has become accepted as a dependable specific for this dreadful disease. * * *."

It was alleged in substance in the libel that the article was misbranded for the reason that the words and figures so declared, marked, printed, branded, and labeled in and upon the said cartons, packages, bottles, and booklet, as aforesaid, were misleading, false, and fraudulent, and that the article was misbranded regarding the curative and therapeutic effects of such article.

On March 12, 1918, the case having come on for final disposition before the court and a jury, testimony was introduced showing the interstate character of the shipment and analysis of the goods, and no claimant having appeared for the property, the jury returned a verdict finding the article to be misbranded, and on March 19, 1918, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6088. Adulteration and misbranding of tomatoes. U. S. * * * v. 800 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8747. I. S. No. 8548–p. S. No. C–797.)

On January 29, 1918, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 800 cases, each containing 4 dozen cans of tomatoes, at Austin, Tex., alleging that the article had been shipped on or about October 17, 1917, by William W. Finney, Bellaire, Md., and transported from the State of Maryland into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Quarryville Brand Tomatoes."

Adulteration of the article was alleged in substance in the libel for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its value, and had been substituted in part for the article.

Misbranding of the article was alleged in substance for the reason that the statement, to wit, "Tomatoes," deceived and misled the purchaser into the belief that the product consisted entirely of tomatoes, whereas it contained added water.

On February 15, 1918, the Heidenheimer-Strassberger Co., Austin, Tex., claimant, having filed its answer to the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant firm upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the article should not be sold or disposed of before being properly relabeled or rebranded so as to show the amount of moisture contained therein.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6089. Misbranding of dairy feed. U. S. * * * v. John T. Gibbons. Plea of guilty. Fine, $10. (F. & D. No. 8774. I. S. No. 15479-p.)

On March 21, 1918, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John T. Gibbons, New Orleans, La., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 12, 1917, from the State of Louisiana into the State of Mississippi, of a quantity of an article labeled in part, "Moca Dairy Feed," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Fat (per cent)	0.96
Protein (per cent)	7.35
Fiber (per cent)	17.09

These results show the product contains less than 4.00 per cent fat and less than 12.00 per cent protein and more than 12.00 per cent fiber.

Misbranding of the article was alleged in the information for the reason that the statement, "Fat, 4.00%, Protein, 12.00%, Fiber, 12.00%," borne on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 4 per cent of fat, and not less than 12 per cent of protein, and not more than 12 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 4 per cent of fat, and not less than 12 per cent of protein, and not more than 12 per cent of fiber, whereas, in truth and in fact, it contained less fat and protein and more fiber than was declared on the label, to wit, approximately 0.96 per cent of fat, 7.35 per cent of protein, and 17.09 per cent of fiber.

On March 23, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6090. Misbranding of "White Eagle's Indian Oil Liniment." U. S. * * * v. Aaron P. McCarty and Caroline McCarty (White Eagle Medicine Co.). Pleas of guilty. Fine, $50 and costs. (F. & D. No. 8785. I. S. No. 12221–m.)

On April 11, 1918, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Aaron P. McCarty and Caroline McCarty, doing business as the White Eagle Medicine Co., Piqua, Ohio, alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 12, 1917, from the State of Ohio into the State of Missouri, of a quantity of an article labeled in part, "White Eagle's Indian Oil Liniment," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the sample to consist essentially of a clear solution of petroleum (kerosene) and saponifiable oil, together with a small amount of oil of sassafras.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the carton and circular accompanying the article falsely and fraudulently represented it as a remedy for and a cure of rheumatism, catarrh, pains, diphtheria, neuralgia, eczema, stomach worms, and as a treatment, remedy, and cure for hay fever, goiter, asthma, and deafness, whereas, in truth and in fact, it was not.

On April 18, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6091. Adulteration of tomato pulp. U. S. * * * v. 100 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8792. I. S. No. 11731-p. S. No. C-800.)

On February 13, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 4 dozen cans of tomato pulp, at Chicago, Ill., alleging that the article had been shipped on October 17, 1917, by the W. F. Assan Canning Co., Baltimore, Md., and transported from the State of Maryland into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On March 26, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6092. Adulteration and misbranding of olive oil. U. S. * * * v. 12 Cases of a Product Purporting to be Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8801. I. S. No. 2671–p. S. No. E–979.)

On February 19, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 12 cases of a product purporting to be olive oil, consigned on or about November 19, 1917, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by A. J. Barbanera, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, "Finest Quality Olive Oil Extra Pure of Termini. Imerese Italy. Packed by Sicilia Italia Guaranteed Absolutely Pure. Net Contents Half Gallon."

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the packages and labels thereof bore a statement which was false and misleading, that is to say, the words, "Olive Oil," in that said product was not olive oil, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, whereas, in truth and in fact, it was not; and for the further reason that by manner of display it led the purchaser to believe that the article was a foreign product, when, in truth and in fact, it was a product of domestic manufacture; and for the further reason, in substance, that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On March 29, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal at public auction in a package or packages properly branded, denoting that the contents consisted of cottonseed oil instead of olive oil.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6093. Adulteration and misbranding of olive oil. U. S. * * * v. 6 Cases of a Product Purporting to be Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8802. I. S. No. 3863-p. S. No. E-978.)

On February 19, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 6 cases of a product purporting to be olive oil, consigned on or about February 2, 1918, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Lyriotakis Bros., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled "Finest Quality Olive Oil Extra Pure Termini Imerese Sicilia-Italia 1 Gallon Net Guaranteed Absolutely Pure."

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the packages and labels thereof bore a statement which was false and misleading, that is to say, the words, "Olive Oil," in that said product was not olive oil; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, whereas, in truth and in fact, it was not; and for the further reason that by manner of display it led the purchaser to believe that the article was a foreign product, when, in truth and in fact, it was a product of domestic manufacture; and for the further reason, in substance, that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On March 29, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by United States marshal at public auction in a package or packages properly branded, denoting that the contents consisted of cottonseed oil instead of olive oil.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6094. Adulteration and misbranding of olive oil. U. S. * * * v. 84 Cans of a Product Purporting to be Olive Oil. Consent decree of condemnation, forfeiture, and sale. (F. & D. No. 8803. I. S. Nos. 1352–p. 1353–p. S. No. E–977.)

On February 19, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 84 cans of a product purporting to be olive oil, consigned on or about November 27, 1917, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by A. J. Musco, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Forty-eight of the cans were labeled, "Finest Quality Olive Oil Extra Pure of Termini Imerese Italy Sicilia Italia 1 Gallon Net Guaranteed Absolutely Pure." The remaining cans were labeled, "Olio Pure D'Oliva Lucca Italy Net contents Full Gallon Olio Pure D'Oliva Garantito Produzione Propria."

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the packages and the labels thereof bore a certain statement which was false and misleading; that is to say, the words, "Olive Oil," in that said product was not olive oil; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, whereas, in truth and in fact, it was not; and for the further reason that by manner of display it led the purchaser to believe that it was a foreign product, whereas, in truth and in fact, it was a product of domestic manufacture; and for the further reason, in substance, that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On April 29, 1918, S. T. Lakson, Boston, Mass., claimant, having appeared for the property and filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6095. Adulteration and misbranding of olive oil. U. S. * * * v. 8 Cases of a Product Purporting to be Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8804. I. S. Nos. 3861–p, 3862–p. S. No. E–976.)

On February 19, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 8 cases of a product purporting to be olive oil, consigned on or about January 31, 1918, and February 1, 1918, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the National Importing Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the product was labeled, "Finest Quality Olive Oil Pure Termini Imerese Sicilia Italia Guaranteed Absolutely Pure 1 Gallon Net" or "½ Gallon Net" or "¼ Gallon Net." The remainder was labeled, "Olive Oil Specialty 1 Gallon Net Lucca."

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the packages and labels thereof bore a certain statement which was false and misleading; that is to say, the words, "Olive Oil," in that said product was not olive oil; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, whereas, in truth and in fact, it was not; and for the further reason that by manner of display it led the purchaser to believe that the said food was a foreign product, when, in truth and in fact, it was a product of domestic manufacture; and for the further reason, in substance, that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On February 23, 1918, the Stella Macaroni Co., Revere, Mass., claimant, having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant on the payment of the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6096. Adulteration and misbranding of olive oil. U. S. * * * v. 8 Cases of a Product Purporting to be Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8835. I. S. No. 2675-p. S. No. E-983.)

On February 26, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 8 cases of a product purporting to be olive oil, consigned during November, 1917, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by A. J. Barbanera, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding, in violation of the Food and Drugs Act, as amended. The article was labeled, "Finest Quality Olive Oil Extra Pure Termini Imerse Sicilia—Italia Guaranteed Absolutely Pure 1 Gallon Net" or "½ Gallon Net" or "¼ Gallon Net."

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil, which had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the packages and the labels thereof bore a certain statement which was false and misleading, that is to say, the words, "Olive Oil," in that said product was not olive oil; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of another article, to wit, olive oil, whereas, in truth and in fact, it was not; and for the further reason that by manner of display it led the purchaser to believe that said article was a foreign product, when, in truth and in fact, it was a product of domestic manufacture; and for the further reason, in substance, that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On March 29, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal at public auction, in a package or packages properly branded denoting that the contents consisted of cottonseed oil instead of olive oil.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6097. Adulteration and misbranding of sauerkraut. U. S. * * * v. 1,000 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8836. I. S. Nos. 2379–p, 3007–p. S. No. E–982.)

On February 27, 1918, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases of sauerkraut, consigned by the Thomas Canning Co., Grand Rapids, Mich., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about January 8, 1918, and transported from the State of Michigan into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Iona Brand Sauerkraut."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding was alleged in substance for the reason that the labels of the retail packages of the article bore the statement, "Sauerkraut," regarding the article and the ingredients and substances contained therein, which was false and misleading in that it indicated to the purchaser that the packages contained sauerkraut containing a normal quantity of brine, whereas said product contained an excessive quantity of brine.

On March 28, 1918, the said Thomas Canning Co., claimant, having filed an answer to the libel, praying possession of the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant on the payment of the costs of the proceedings and execution of a bond in the sum of $3,250, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6098. Adulteration and misbranding of tomatoes. U. S. * * * v. 760 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8848. I. S. No. 8559-p. S. No. C-838.)

On March 14, 1918, the United States attorney for the District of Western Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 760 cases of tomatoes at Austin, Tex., alleging that the article had been shipped on or about October 25, 1917, by Wm. W. Finney, Bellaire, Md., from the State of Maryland into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Quarryville Brand Tomatoes, Wm. W. Finney, Sales Agent."

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect their value, and had been substituted in part for the article.

Misbranding of the article was alleged for the reason that the statement borne on the cans, to wit, "Tomatoes," deceived and misled the purchaser into the belief that the product consisted entirely of tomatoes, whereas examination showed the presence of added water.

On March 26, 1918, the Heidenheimer-Strassberger Co., Austin, Tex., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant firm upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that the product should be properly relabeled so as to show the presence of added water.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6099. Adulteration of dried mushrooms. U. S. * * * v. 1 * * * Case * * * of Dried Mushrooms. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 350–c.)

During December, 1917, the United States attorney for the Northern District of Ohio, acting upon a report by the Commissioner of Health of the City of Cleveland, Ohio, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 case, containing twenty 5-pound cans of dried mushrooms, at Cleveland, Ohio, alleging that the article had been shipped on or about March 20, 1917, by Meyer & Lange, New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On February 8, 1918, the said Meyer & Lange, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that judgment be entered against said claimant for the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

6100. Adulteration and misbranding of canned corn. U. S. * * * v. 630 Cases of Corn. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 351-c.)

On December 6, 1917, the United States attorney for the Western District of Oklahoma, acting upon a report by the State Food Commissioner of Oklahoma, filed in the District Court of the United States for the said district a libel for the seizure and condemnation of 630 cases, each containing 24 cans of corn, remaining unsold in the original unbroken packages at Oklahoma City, Okla., alleging that the article had been shipped on or about November 20, 1917, by the Weir Canning Co., Toledo, Iowa, and transported from the State of Iowa into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding of the article was alleged in substance for the reason that it was invoiced as "Country Gentleman Corn," and was labeled in part, "Purity Brand Country Gentleman Corn. * * * Purity Guaranteed * * *. This sweet corn contains the following ingredients and none other:—salt, water, and cane sugar," when, in truth and in fact, it did not consist of sweet corn containing only the ingredients of salt, water, and cane sugar and none other, but in fact contained corn cobs, corn husks, and the contents of the cans, in whole or in part, consisted of a filthy, decomposed, or putrid vegetable substance, unfit for food, and injuriously affecting the quality, and contained substitutes of corn cobs and corn husks.

On February 5, 1918, the said Weir Canning Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, in conformity with section 10 of the act, conditioned in part that the said claimant should, at its factory at Toledo, Iowa, under the supervision of a representative of this department, make the proper scientific tests in order to determine what portion of said product might be unfit for food and what portion should be permitted to be again transported in interstate commerce.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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Enumclaw Milk & Cream Co 6082, 6083

N. J. No.

Mushrooms, dried:
Meyer & Lange 6099
Mustard seed:
Catz American Co 6078
Oats. *See* Feed.
Oil, olive:
Barbanero, A. J 6092, 6096
Lyriotakis Bros 6093
Musco, A. J 6094
National Importing Co 6095
pennyroyal:
Teaster, M. G 6053
Olive oil. *See* Oil.
Oranges:
——— ——— 6071
Pan-pac. *See* Confectionery.
Pennyroyal oil. *See* Oil.
Person's, Mrs. Joe, remedy:
Person Remedy Co 6073, 6079
Prunes:
Rosenberg Bros. & Co 6064
Remedy:
Person Remedy Co 6073, 6079
Sardines. *See* Fish.
Sauerkraut:
Thomas Canning Co 6097
Sulferro-Sol:
Sul-Ferro-Sol Co 6087
Tomato ketchup:
Roberts, Thomas, Co 6076
pulp:
Assan, W. F., Canning Co 6091
Baltimore Canning Co 6080
Griffith, Ernest, Co 6055, 6059, 6061, 6066
Roberts Bros 6060, 6072
Wallace, James, Packing Co 6065
Tomatoes, canned:
Claybrook-Neale Packing Co 6058
Dawson & Callahan 6077
Finney, William W 6088, 6098
Handy, John T., Co 6067
Phillips, J. R 6074
White Eagle's Indian oil liniment:
White Eagle Medicine Co 6090

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1918

S. R. A.—Chem. Suppl. 53. Issued August 3, 1918.

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 6101–6150.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 19, 1918.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

6101. Misbranding of spaghetti. U. S. * * * v. 21 Boxes of * * * Spaghetti. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 357–c.)

On June 21, 1917, the United States attorney for the Northern District of Florida, acting upon a report by the Commissioner of Agriculture of the State of Florida, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 21 boxes of spaghetti, alleging that the article had been shipped on April 7, 1917, by P. J. Guarino, New Orleans, La., and transported from the State of Louisiana into the State of Florida, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Invincible Brand Spaghetti * * * 13 lb. net."

It was alleged in the libel that the labels on the boxes or packages were false and that said packages were misbranded in that each of said boxes or packages did not contain 13 pounds net of spaghetti, but contained 14.23 per cent less than 13 pounds.

On August 24, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

6102. Adulteration of beans. U. S. * * * v. One Thousand Sacks * * * of White Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 358–c.)

On March 28, 1917, the United States attorney for the District of Nebraska, acting upon a report by the Deputy Commissioner of the Food, Drug, Dairy, and Oil Commission of the State of Nebraska, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 sacks of white beans, remaining unsold in the original packages at Omaha, Nebr., alleging that the article had been shipped between the dates of June 19, 1916, and January 6, 1917, by Post Bros., from the States of Illinois and Michigan into the State of Nebraska, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On April 27, 1917, the First National Bank of Hammond, Ind., claimant, filed an application for the release of the product. Thereupon a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

R. A. Pearson, *Acting Secretary of Agriculture.*

6103. Adulteration of beans. U. S. * * * v. 250 Sacks and 300 Sacks of Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 359–c, 360–c.)

On April 3, 1917, the United States attorney for the District of Nebraska, acting upon a report by the Deputy Commissioner of the Food, Drug, Dairy, and Oil Commission of Nebraska, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 250 sacks and 300 sacks of beans, remaining unsold in the original unbroken packages at Omaha, Nebr., alleging that the 250 sacks of beans had been shipped on or about December 21, 1916, by Post Bros., Hammond, Ind., and transported from the State of Indiana into the State of Nebraska, and that the 300 sacks of beans had been delivered for shipment on or about March 23, 1917, by the Overland Warehouse Co., Omaha, Nebr., and were in the course of transportation from the State of Nebraska into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On April 27, 1917, Hankins Bros., Elsie, Mich., claimants, having filed an application for the release of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon the payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act.

R. A. Pearson, *Acting Secretary of Agriculture.*

6104. Adulteration of eggs. U. S. * * * v. 6 Cases * * * of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 362–c.)

On August 13, 1917, the United States attorney for the District of Kansas, acting upon a report by the Secretary of the State Board of Health of Kansas, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Parsons, Kans., alleging that the article had been shipped on or about August 6, 1917, by J. F. Skinner, Adair, Okla., and transported from the State of Oklahoma into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On January 2, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

6105. Adulteration of shell eggs. U. S. * * * v. 3 Cases * * * of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 363–c.)

On August 6, 1917, the United States attorney for the District of Kansas, acting upon a report by the Secretary of the State Board of Health of Kansas, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Parsons, Kans., alleging that the article had been shipped on or about August 2, 1917, by W. D. Holland, Boonville, Ark., and transported from the State of Arkansas into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On October 18, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

6106. Adulteration of shell eggs. U. S. * * * v. 5 Cases * * * of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 364-c.)

On August 6, 1917, the United States attorney for the District of Kansas, acting upon a report by the Secretary of the State Board of Health of Kansas, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Parsons, Kans., alleging that the article had been shipped on or about July 31, 1917, by Reed and King, Monett, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On October 18, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

6107. Adulteration of shell eggs. U. S. * * * v. 5 Cases * * * of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 365–c.)

On August 6, 1917, the United States attorney for the District of Kansas, acting upon a report by the Secretary of the State Board of Health of Kansas, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Parsons, Kans., alleging that the article had been shipped on or about July 27 and 31, 1917, by Gillispie and West, Springdale, Ark., and transported from the State of Arkansas into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On October 18, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

6108. Adulteration of eggs. U. S. * * * v. 4 Cases * * * of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 366-c.)

On August 8, 1917, the United States attorney for the District of Kansas, acting upon a report by the Secretary of the State Board of Health of Kansas, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped on or about August 4, 1917, by Bradbury & Son, Woodward, Okla., and transported from the State of Oklahoma into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On November 8, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

6109. Adulteration of eggs. U. S. * * * v. 6 Cases * * * of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 367–c.)

On August 8, 1917, the United States attorney for the District of Kansas, acting upon a report by the Secretary of the State Board of Health of Kansas, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped on or about August 4, 1917, by J. W. Abbott, Newkirk, Okla., and transported from the State of Oklahoma into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On November 8, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

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6110. Adulteration of shell eggs. U. S. * * * v. 38 Cases * * * of So-Called Shell Eggs. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 368–c.)

On August 1, 1917, the United States attorney for the District of Kansas, acting upon a report by the Secretary of the State Board of Health of Kansas, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 38 cases, each containing 30 dozen so-called eggs, remaining unsold in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped on or about July 26, 1917, by Swift & Co., Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On August 11, 1917, the said Swift & Co., claimant, having entered its appearance as owner of the property and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the costs of the proceedings be taxed against said claimant.

R. A. Pearson, *Acting Secretary of Agriculture.*

6111. Adulteration and misbranding of poultry feed. U. S. * * * v. 11 Sacks * * * of So-Called Poultry Feed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 369–c.)

On October 23, 1917, the United States attorney for the District of Kansas, acting upon a report by the Secretary of the State Board of Health of Kansas, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 sacks, each containing 100 pounds of so-called poultry feed, remaining unsold in the original unbroken packages at Leavenworth, Kans., alleging that the article had been shipped on or about October 6, 1917, by the Rudy-Patrick Seed Co., a corporation, Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Every Day Scratch Feed * * * Rudy-Patrick Seed Co., Kansas City, Mo."

Adulteration of the article was alleged in the libel for the reason that it contained a very large per cent of screenings and weed seed, so packed and mixed with the other ingredients named on the label thereof as to reduce and affect its quality and strength.

Misbranding of the article was alleged for the reason that the statements on the label were false and misleading and calculated to induce the purchaser to believe that the article was composed entirely of wheat, corn, kafir corn, milo maize, barley or oats, cysco grit, and sunflower seed, whereas, in truth and in fact, it contained a very large per cent of screenings.

On November 8, 1917, the said Rudy-Patrick Seed Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act, conditioned in part that the product should be relabeled so as to show the true nature of its contents.

R. A. Pearson, *Acting Secretary of Agriculture.*

6112. Adulteration and misbranding of poultry feed. U. S. * * * v. 222 Sacks * * of so-called Poultry Feed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 370–c.)

On November 3, 1917, the United States attorney for the District of Kansas, acting upon a report by the Secretary of the State Board of Health of Kansas, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 222 sacks, each containing 100 pounds of so-called poultry feed, remaining unsold in the original unbroken packages at Pittsburg, Kans., alleging that the article had been shipped on or about October 6, 1917, by the Rudy-Patrick Seed Co., a corporation, Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Royal Quality Scratch Feed * * * Rudy-Patrick Seed Co. Kansas City, Mo."

Adulteration of the article was alleged in the libel for the reason that it contained a very large per cent of screenings and weed seed, not shown upon the label or brand, and so mixed and packed with the other ingredients named on the label or brand as to reduce and affect its quality and strength.

It was alleged further that the labels or brands were false and misleading and calculated to induce the purchaser to believe that the article was composed entirely of wheat, corn, kafir corn, milo maize, barley or oats, and sunflower seed, whereas, in truth and in fact, it contained a very large per cent of screenings and weed seed.

On November 8, 1917, the said Rudy-Patrick Seed Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $250, in conformity with section 10 of the act, conditioned in part that the product should be relabeled so as to show the true nature of its contents.

R. A. Pearson, *Acting Secretary of Agriculture.*

6113. Adulteration and misbranding of cottonseed meal. U. S. * * * v. 400 Sacks * * * of so-called Cotton Seed Meal. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 371–c.)

On December 26, 1917, the United States attorney for the District of Kansas, acting upon a report by the Secretary of the State Board of Health of Kansas, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks of so-called cottonseed meal, remaining unsold in the original unbroken packages at Eureka, Kans., alleging that the article had been shipped on or about December 17, 1917, by the Feeders Supply Co., Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a decomposed vegetable and animal substance.

Misbranding of the article was alleged for the reason that the sacks did not contain any label of any kind or character showing the net weight of the product, or the composition or food value of the same.

On January 4, 1918, the said Feeders Supply Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the product should be correctly labeled, branded, or have tags affixed thereto showing the correct net weight of said sacks and the true nature and character of the product contained therein.

R. A. Pearson, *Acting Secretary of Agriculture.*

6114. Adulteration of milk. U. S. * * * v. Israel F. Domey. Plea of guilty. Fine, $50. (F. & D. No. 376-c.)

On December 20, 1917, the grand jurors of the United States within and for the District of Vermont, acting upon a report by the Director of the Food and Drug Division of the Department of Health of Massachusetts, upon presentment by the United States attorney for said district, returned an indictment in the District Court of the United States for the district aforesaid, against Israel F. Domey, Weathersfield, Vt., charging shipment by said defendant, on August 30, 1917, in violation of the Food and Drugs Act, from the State of Vermont into the State of Massachusetts, of a quantity of milk which was adulterated.

Adulteration of the article was charged in substance in the indictment for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality, and had been substituted in part for milk, which the article purported to be.

On March 6, 1918, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of $50.

R. A. Pearson, *Acting Secretary of Agriculture.*

6115. Adulteration of milk. U. S. * * * v. Wilbur Gould and George Wilson. Pleas of guilty. Fine, $100. (F. & D. No. 377–c.)

On December 20, 1917, the grand jurors of the United States within and for the District of Vermont, acting upon a report by the Director of the Food and Drug Division of the Department of Health of Massachusetts, upon presentment of the United States attorney for said district, returned in the District Court of the United States of the district aforesaid an indictment against Wilbur Gould and George Wilson, copartners, Weathersfield, Vt., charging shipment by said defendants, in violation of the Food and Drugs Act, on August 30, 1917, from the State of Vermont into the State of Massachusetts, of a quantity of milk which was adulterated.

Adulteration of the article was charged in substance in the indictment for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality, and had been substituted in part for milk, which the article purported to be.

On January 8, 1918, the defendants entered pleas of guilty to the indictment, and the court imposed a fine of $100.

R. A. Pearson, *Acting Secretary of Agriculture.*

6116. Adulteration of scallops. U. S. * * * v. Two 5-Gallon Cans of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 379–c.)

On March 15, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the State Department of Health of Massachusetts, filed in the District Court of the United States for the said district a libel of information praying the seizure and condemnation of two 5-gallon cans of scallops, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Morehead City Sea Food Co., Morehead City, N. C., and transported from the State of North Carolina into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that it contained filthy, decomposed, and putrid animal substances so as to render it unfit for food.

On April 22, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

6117. (Supplement to Notices of Judgment 1455, 4032, 4801). Alleged adulteration and misbranding of Coca Cola. U. S. * * * v. 40 Barrels and 20 Kegs Coca Cola. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 966. S. No. 352.)

On July 3, 1916, the Supreme Court of the United States, in accordance with its decision theretofore rendered, reversing the judgment of the United States Circuit Court of Appeals for the sixth circuit, in a case involving the question of adulteration and misbranding within the meaning of the Food and Drugs Act of 40 barrels and 20 kegs of Coca Cola, issued its mandate to the District Court of the United States for the Eastern District of Tennessee, commanding that such proceedings be had in said case, in conformity with the opinion and judgment of said Supreme Court, as according to right and justice ought to be had, the writ of error that had been brought in the case notwithstanding.

On November 12, 1917, the case coming on to be heard before the said district court of the United States for the Eastern District of Tennessee, the following decree was entered by the Court (Sanford, *United States Judge*):

This proceeding coming on to be heard, and it appearing that the claimant, the Coca Cola Company, without admitting the charges of either misbranding or adulteration, but expressly denying same, but stating that it has made certain modifications in the process of its manufacture, and on account of which a decision either way of the question of fact now involved would not be conclusive in any future proceedings against its present product, has, in order to dispose of this libel without the necessity of another trial, and for the sole purpose of disposing of this cause, withdrawn its claim and all other pleadings therein, and it appearing that the United States and said claimant, by their Attorneys of Record, have consented to the judgment herein;

And it appearing that monition issued in this case has been heretofore returned, the usual proclamation made, all legal requirements complied with, and that the default of all persons has been duly entered after the withdrawal by claimant of this claim and defenses as aforesaid:

Now Therefore, the premises considered, it is, on motion of the United States, Ordered, Sentenced and Adjudged by the court, now here, and his Honor, the District Judge, by virtue of the power and authority in him vested, doth hereby order, sentence and adjudge that the goods, wares, and merchandise seized in this proceeding be, and the same are hereby forfeited to the United States, and that the said The Coca Cola Company pay all costs of this proceeding;

It is Further Ordered, Adjudged and Decreed that the judgment of forfeiture shall not be binding upon the said the Coca Cola Company or its product except as to this cause and the particular goods seized herein, nor binding upon the claimant or its product as it shall relate to any other cause or proceeding of any kind or character.

And it is Further Ordered that the said goods, wares or merchandise seized herein, to wit, the forty barrels and twenty kegs of Coca Cola shall be released to the claimant upon said claimant paying the costs above adjudged and giving sufficient bond, conditioned that the product shall not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, or the laws of any State, Territory, District, or Insular possession of the United States.

R. A. Pearson, *Acting Secretary of Agriculture.*

6118. (Supplement to Notice of Judgment 4980). Adulteration and misbranding of fluid extract of cinchona. U. S. * * * v. G. F. Harvey Co., a corporation. Decision of the U. S. Circuit Court of Appeals for the Second Circuit, affirming judgment of conviction in the lower court. (F. & D. No. 5388. I. S. No. 1649–e.)

On April 14, 1917, in pursuance of the appeal of the G. F. Harvey Co., plaintiff in error, upon the judgment and conviction in the District Court of the United States for the Northern District of New York, upon an information against said plaintiff in error, involving the interstate shipment by said company, in violation of the Food and Drugs Act, of a quantity of an article labeled in part, "Fluid Extract Cinchona," which was adulterated and misbranded, there was filed in the United States Circuit Court of Appeals for the Second Circuit a transcript of the record of the proceedings in said case, and thereafter on January 16, 1918, the case having come on for final disposition, the judgment of conviction in the lower court was affirmed, per curiam. On January 30, 1918, the mandate of said Circuit Court of Appeals to the District Court of the United States for the Northern District of New York was issued, and all papers were returned to said district court for further proceedings in conformity with the judgment of the Court of Appeals.

R. A. Pearson, *Acting Secretary of Agriculture.*

6119. Misbranding of "Dr. Fenner's Kidney and Backache Remedy." U. S. * * * v. M. M. Fenner & Co., a corporation. Plea of nolo contendere. Fine, $25. (F. & D. No. 5936. I. S. No. 8132-e.)

On June 22, 1915, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the M. M. Fenner Co., a corporation, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 14, 1913, from the State of New York into the State of Ohio, of a quantity of an article labeled in part, "Dr. Fenner's Kidney and Backache Remedy," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	11.66
Solids (grams per 100 cc)	6.24
Potassium acetate (grams per 100 cc)	1.91

Methyl salicylate: Present.
Alkaloids: None found.
Test for iodids: Negative.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the label falsely and fraudulently represented it to be effective as a cure for inflammation of the kidneys, bladder, or any part of the urinary passages, gravel in the kidneys or bladder, and for restoring these organs to a healthy condition so as to prevent further formations; as a cure for catarrh of the bladder, dropsy, heart disease, rheumatism, leucorrhea, and erysipelas; for relieving all diseases of the kidneys, bladder, and urinary passages, leucorrhea or whites, ulcerations, all blood disorders such as salt rheum, erysipelas and all skin eruptions, scrofula, old ulcers, heart disease, dropsy, swelled limbs, and swelled glands, when, in truth and in fact, it was not.

On December 3, 1917, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $25.

R. A. Pearson, *Acting Secretary of Agriculture.*

6120. Alleged adulteration of milk. U. S. * * * v. Herman Heimann. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 6360. I. S. No. 12265-l.)

On March 19, 1917, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman Heimann, Albers, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 21, 1916, from the State of Illinois into the State of Missouri, of a quantity of milk which was alleged to have been adulterated.

Analysis of samples of the article by the Bureau of Chemistry of this department showed the following results:

Subdivision.	Lactometer at 60°.	Fat.	Non-fat solids.	Total solids by calculation.	Total solids by drying.
		Per cent.	*Per cent.*	*Per cent.*	*Per cent.*
1	30.4	4.40	8.49	12.89	
2	31.2	2.4	8.28	10.68	
3	32.2	2.4	8.53	10.93	10.67
4	30.9	4.00	8.54	12.54	

The above analysis shows that subdivisions 2 and 3 have been partially skimmed.

Adulteration of the article was alleged in the information for the reason that a valuable constituent thereof, to wit, butter fat, had been in part abstracted.

On November 13, 1917, the case having come on for trial before the court and a jury, after the submission of evidence and argument by counsel, the following charge was delivered to the jury by the court (Humphreys, *D. J.*):

This is an information drawn in a single count, charging the defendant with adulterating milk in interstate shipment—the adulteration in point consisting of shipping milk that was illegally low in butter fat. The Act is highly meritorious—it seeks to give to the people the natural product of food to which they are entitled.

The evidence shows that not all cows are uniform in the amount of butter fat which their milk contains—whatever it does contain, that the shipper should ship the whole milk without any abstraction of any part of it.

The question you are considering—the only question you have to consider, is if this defendant in question did abstract any essential element of this milk before shipping. You have heard the evidence, the Government officers on one side, the defendant, members of his family, the consignee, Winkler, on the other; and it is for you to say—make up your judgment, giving to the evidence such weight as you may find it to have—as to whether the case has been proven, because it is the burden of the Government to sustain this case, to prove, to convince your mind beyond a reasonable doubt, that this defendant is guilty. The presumptions are in favor of the defendant.

You have nothing to do with the punishment—that is with the court, and, therefore, all your work is to find the defendant guilty or not guilty.

Take the indictment in this case, and this record as part of the evidence, and go with the officer and consider of your verdict.

The jury thereupon retired, and, after due deliberation returned a verdict of not guilty.

R. A. Pearson, *Acting Secretary of Agriculture.*

6121. Adulteration and misbranding of wine. U. S. * * * v. Albert Textor (A. Textor & Co.). Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 6382. I. S. Nos. 17925–h, 17928–h.)

On May 9, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert Textor, trading under the name of A. Textor & Co., Sandusky, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 10, 1914 (2 shipments), from the State of Ohio into the State of New York, of quantities of an article labeled in part, "Port Wine," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	13.95	14.27
Solids, calculated (grams per 100 cc)	11.00	11.08
Nonsugar solids (grams per 100 cc)	2.25	2.37
Sugar, as invert, before inversion (grams per 100 cc)	8.75	7.83
Sucrose by copper (gram per 100 cc)	None.	0.88
Ash (gram per 100 cc)	0.35	0.35
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	11.6	13.0
Alkalinity of insoluble ash (cc N/10 acid per 100 cc)	10.8	8.6
Acid, as tartaric (gram per 100 cc)	0.66	0.69
Volatile acid, as acetic (gram per 100 cc)	0.24	0.25
Fixed acid, as tartaric (gram per 100 cc)	0.36	0.38
Total tartaric acid (gram per 100 cc)	0.01	0.03
Free tartaric acid	None.	None.
Cream of tartar (gram per 100 cc)	0.013	0.036
Tartaric acid to alkaline earths	None.	None.
Chlorine (gram per 100 cc)	0.055	0.052
Color	Archil	Cudbear

The above results show each product to be pomace wine, artificially colored.

Adulteration of the article in each shipment was alleged in substance in the information for the reason that an imitation product, prepared from pomace and artificially colored, had been substituted wholly or in part for Ohio port wine, which the article purported to be, and for the further reason that it was a product inferior to Ohio port wine, to wit, an imitation product, prepared from pomace and artificially colored with a certain vegetable dye, to wit, archil or cudbear, as the case might be, to simulate the appearance of genuine Ohio port wine and in a manner whereby its inferiority to Ohio port wine was concealed.

Misbranding of the article in each shipment was alleged for the reason that the statement borne on the barrels and keg containing the article, to wit, "Ohio Port Wine," was false and misleading in that it represented that the article was Ohio port wine, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was Ohio port wine, whereas, in truth and in fact, it was not, but was an imitation product prepared from pomace and artificially colored.

On January 11, 1918, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $25 and costs.

R. A. Pearson, *Acting Secretary of Agriculture.*

6122. Adulteration of pork and beans. U. S. * * * v. 600 Cases * * * of Pork and Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6643. I. S. No. 16402-k. S. No. C-253.)

On June 22, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases, each containing 24 cans of pork and beans, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on January 28, 1915, by the Thomas Canning Co., Grand Rapids, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy animal substance; for the further reason that it consisted in part of a filthy vegetable substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted in part of a decomposed vegetable substance; for the further reason that it consisted in part of a putrid animal substance; for the further reason that it consisted in part of a putrid vegetable substance; and for the further reason that another substance, to wit, tomato sauce, had been mixed therewith in a manner whereby the inferiority of the article was concealed.

On August 21, 1917, the said Thomas Canning Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that the product should be sorted under the supervision of a representative of this department, the good portion to be released to said claimant and the unfit portion to be denatured or destroyed.

R. A. Pearson, *Acting Secretary of Agriculture.*

6123. Adulteration and misbranding of blackberry cordial. U. S. * * * v. Southern Drug Manufacturing Co., a corporation. Plea of guilty. Fine, $5 and costs. (F. & D. No. 7004. I. S. No. 8674–h.)

On March 3, 1916, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southern Drug Manufacturing Co., a corporation, Jacksonville, Fla., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 13, 1914, from the State of Florida into the State of Georgia, of a quantity of an article labeled in part, "Dr. Pyne's Curative Blackberry Cordial," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Non-volatile matter (grams per 100 cc)	15.85
Ash (gram per 100 cc)	.083
Alcohol (per cent by volume)	6.1
Chloroform (minim per fluid ounce)	.95
Opium (calculated from morphine) (grain per fluid ounce)	.67
Coal-tar dye, oil of cinnamon, and benzaldehyde:	Present.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary official at the time of investigation, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Formulary, in that it contained coal-tar dye, benzaldehyde, opium, and chloroform.

It was alleged in substance that the article was misbranded for the reason that certain statements appearing on the label falsely and fraudulently represented it as a remedy for dysentery and all complaints of the stomach and bowels, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that it contained 6.14 per cent of alcohol by volume, and the package containing the article failed to bear a statement on its label of the quantity or proportion of alcohol contained therein.

On December 6, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $5 and costs.

R. A. Pearson, *Acting Secretary of Agriculture.*

6124. Adulteration and alleged misbranding of tomato pulp. U. S. * * * v. Ladoga Canning Co., a corporation. Plea of guilty as to the first and second counts of the indictment. Fine, $200 and costs. Third count of the indictment nol-prossed. (F. & D. Nos. 7667, 7074. I. S. Nos. 5376-k, 13006-l.)

On December 15, 1917, the grand jurors of the United States, within and for the District of Indiana, acting upon reports by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment in the District Court of the United States for the district aforesaid against the Ladoga Canning Co., a corporation, Ladoga, Ind., charging shipment by said company, in violation of the Food and Drugs Act, as amended, on July 18, 1915, and February 23, 1916, from the State of Indiana into the States of New Jersey and Nebraska, respectively, of quantities of tomato pulp which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the same to be partially decomposed.

Adulteration of the article in each shipment was charged in the indictment for the reason that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

Misbranding of the article in the shipment on February 23, 1916, was charged for the reason that, although it was food in package form, the quantity of the contents was not plainly or conspicuously marked on the outside thereof in terms of weight, measure, or numerical count.

On January 9, 1918, the defendant company entered a plea of guilty to the first and second counts of the indictment, charging adulteration, and the court imposed a fine of $200 and costs. The third count of the indictment, charging misbranding of the article, was nol-prossed.

R. A. Pearson, *Acting Secretary of Agriculture.*

6125. Misbranding of Wine of Chenstohow. U. S. * * * v. A. Skarzynski & Co., a corporation. Tried to the court and a jury. Jury unable to agree upon a verdict. Plea of guilty. Fine, $75. (F. & D. No. 7210. I. S. No. 867-k.)

On May 19, 1916, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against A. Skarzynski & Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 20, 1915, from the State of New York into the State of New Jersey, of a quantity of an article labeled in part, "Wine of Chenstohow," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	17.4
Approximate solids (grams per 100 cc)	12.58
Ash (gram per 100 cc)	.388
Water-insoluble ash (gram per 100 cc)	.081
Phosphate pentoxid (P_2O_5) (gram per 100 cc)	.045
Sodium chlorid (NaCl) (gram per 100 cc)	.048
Reducing sugar (grams per 100 cc)	9.87
Glycerin (gram per 100 cc)	.60
Tartaric acid (gram per 100 cc)	.09
Volatile acids, as acetic (gram per 100 cc)	.06
Emodin: Present.	
Acidity to litmus (cc N/10 acid per 100 cc)	5.25
Alkaloids, ammonia, sucrose, methyl alcohol: Absent.	

It was alleged in substance in the first count of the information that the article was misbranded for the reason that certain statements appearing on its label falsely and fraudulently represented it as a remedy for stomach affections, and as a cure for general debility, loss of strength, indigestion, piles, and pains, when, in truth and in fact, it was not.

On December 18, 1917, the case came on for trial before the court and a jury, and on December 19, 1917, after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Hazel, *D. J.*):

Gentlemen of the jury, an information has been filed in this court by the United States Attorney,—as he had the right to do,—accusing the corporation known as A. Skarzynski & Co., with violating the Sherley Act, so-called, which is an Act passed by Congress for the purpose of prohibiting the sale of impure foods and drugs, and forbidding the misbranding of the same. The evidence on both sides is about to be submitted to you for your consideration and decision, and, in many respects, it is not in harmony, and therefore, I have to remind you that it is your duty to harmonize whatever conflicting testimony there may be, in order to ascertain where the truth rests.

The responsibility of finding the defendant company guilty as charged in the information, or finding it innocent, of course, rests entirely upon you, and my duty is discharged when I have instructed you as to the law applicable to the controversy, leaving you to apply the facts to the law.

As the United States Attorney has very properly said, the case does not lack in importance. Although the statute makes such offense as charged in the information a misdemeanor, it is, nevertheless, an important case, in that violators of this statute cannot be permitted to defraud the public by placing upon the market spurious foods or drugs or beverages, or placing upon the market foods or beverages and mislabeling them, to the end that the buying public may be lead to believe that the contents of the package—if the drug or beverage is contained in packages—contains something different than they intended to purchase.

But the case is also important to the defendant company, for, if you reach the conclusion that there was a misbranding of this commodity, and that the defendant company placed the commodity upon the market with the intention of cheating and defrauding and deceiving the public, then, obviously, the defendant may be somewhat curtailed in its business pursuit, so that you should not lose sight of the fact that the case is not without its importance, and requires, on account thereof your most serious and earnest consideration.

There are several questions of fact that arise from this testimony, which you are required to consider, and one of them is as to the meaning of the words contained on the label upon the bottle in which this commodity was enclosed; are the words on the label or wrapper to be taken in a broad or restricted sense? If they are to be taken in the broad sense, the product in question is misbranded, on account of their evident falsity; if the meaning is restricted, as the defendant claims, to conditions of the stomach as distinguished from organic troubles, and such condition is benefited or cured by the product, then the defendant company is not guilty.

There is another question which you are obliged to consider and determine, if you conclude the product was misbranded and that the label and wrapper were false and intended to mislead, before there may be a conviction in this case, and that is whether the defendant company was aware of the falsity of the wording, or knew it was untrue, and used the wording on the label carelessly and recklessly without sufficiently apprising itself of the true facts, and marketing the product with the view of getting money fraudulently from the public for an article which could not give or render a specified result.

Now, gentlemen, the law does not prohibit a true label or wrapper for this commodity; it does not object to the sale of this product, or to the inclusion of the ingredients specified; the law simply requires that the commodity—this wine in question—shall be properly labeled and branded so as not to deceive.

This is a criminal case, and all the essential elements of the offense, as set forth in the information, are required to be established by the Government beyond a reasonable doubt; and, moreover, the defendant is entitled to the presumption of innocence until you gentlemen have determined what the facts are, and until you have reached the conclusion that the defendant is guilty as charged in the information.

There is no question but that the particular shipment to which the Government objected was a shipment in interstate commerce, and, therefore, this court has jurisdiction of the offense.

Before considering any of these matters to which I have preliminarily alluded, I think it is quite necessary that you should understand with some fullness what the object of Congress was in enacting this law.

In the first place, the object was to prevent the sale of commodities in interstate commerce that are harmful to the health of the people, and to prevent them from being defrauded by adulterated foods, drugs, and liquids, also to prevent the misbranding or false labeling of such articles, so that the buyer should know that the article bought by him was what it purported to be.

The information is not that the product was harmful or injurious to health, or that the label contained a false claim in reference to the place of manufacture; there is no objection on the part of the Government, as I understand its claims, to distinguishing or labeling this wine as the Wine of Chenstohow, inasmuch as the label also contains the explanation that it was manufactured in Buffalo; but, I repeat, the Government insists that the bottles, labels, and wrappers contain reckless expressions or wording which tend to mislead the buyer into believing that he is buying a wine, drug, or beverage that is a remedy or cure for the stomach, or certain conditions of the stomach, appearing on the label.

Now, what was the inscription on the label and wrapper? It has several times been drawn to your attention, but it will not be altogether amiss to have me repeat it, so that you will have it clearly in mind. On the label or wrapper with which the bottle was enclosed were the printed words, "Celebrated Curative Wine of Chenstohow" (to which designation the Government does not object). "Medicinal Compound. The Best Remedy for the Stomach," and on the bottle are the words, "Those who suffer from loss of strength, indigestion, piles, pains, etc., should use the Curative Wine of Chenstohow." There are other words appearing on the label, but they are not essential, and therefore we need not direct your attention to them.

As I have already stated, under this statute under which the information is filed, the word "misbranding" applies to foods, drugs, and liquids, and under

the Sherley Act a package or label containing words or design or figure regarding the article or ingredients contained therein, which is false or misleading in any particular, is a misbranding thereof, and is a false labeling.

In considering this wording on the label and wrapper, it seems to me, the first question for you to consider and determine is the meaning of those words and what the defendant intended the public should understand thereby. Did it mean to have the public believe that the product would remedy and cure those troubles of the stomach, general debility, piles and pains, due to a diseased condition of the stomach, or did it simply mean that the printed words on the label or wrapper, by themselves, or taken together, should be understood as relieving conditions of the stomach, pains, indigestion, general debility, etc., such as do not arise from a diseased condition, or an organic condition of the stomach?

It is for you to determine what the defendant meant by referring to its product as "Curative Wine," "Medicinal Wine," and "Best Remedy for the Stomach," for the conditions and symptoms specified in the label.

In your efforts to reach a proper conclusion, you must have in mind the purpose of this suit is to safeguard the unwary public from being deceived, and from buying such commodity which would not of itself give the benefit promised by the seller, and as indicated by the labels and wrappers.

You should also have in mind the meaning of the words "remedy" and "cure." Those words are to be taken in their ordinary sense, as people in the ordinary walks of life understand them. It, no doubt, was the intention of the defendant to make representations that the public would understand, and, therefore, it did not address doctors, druggists, and chemists, but ordinary folk. The word "remedy" is known to signify something that cures a disease, something taken internally to alleviate disease and benefit the health. I repeat, did the defendant company mean by the wording of the label that the public should understand that the product would remedy or cure all stomach troubles, in the broad sense, which would include organic troubles of the stomach, or did it simply mean to be understood, and want the public to understand by the label and wrapper that the reference was to temporary or symptomatic conditions of the stomach? That is one of the salient questions submitted to you for your decision.

Gentlemen, if you decide that the wording was misleading, and a person would understand thereby that some stomach troubles generally were meant, then the defendant misbranded this commodity, and if the misbranding was to deceive, then the defendant is guilty as charged; if the defendant did it honestly, believing the product would accomplish those ends specified on the label, then it is not guilty.

The Government is required to prove, not only that the commodity was misbranded, as claimed by it, not only that it was too broad and not limited or restricted in its wording, but that it was the intention of the defendant to deceive the public, and that it knew when the branding was appended to the bottle, that it was false. If it was a true label—and you should reach that conclusion from the evidence—and the defendant in good faith marketed the article believing it would remedy the conditions specified in the label and wrapper, then the company obviously is not guilty, and your verdict must be one of "Not guilty."

Now, gentlemen, considerable dispute arose between the experts—men of medical training—as to the wording on the label and wrapper; the witnesses for the Government, Dr. Stockton, Dr. Otto, and Dr. Leonard, testified substantially that there was nothing in the product that would be useful or beneficial for organic stomach troubles, except perhaps for a laxative, as it contained laxative ingredients; that the product had no curative agency whatever except perhaps as to the symptoms of indigestion, which the alcohol might help, or the wine itself might help; that it would not, in their opinions, help or cure any known stomach disease such as comes from cancer, ulcer, dilitation, or reflexation due to other diseases of the body; while, on the contrary, the testimony of the medical witnesses for the defendant is substantially to the effect that the formula which the defendant's president claimed the defendant used, when the product was administered in specified doses, would afford benefit to the user, and might often remedy the condition of the stomach in their view. I am referring to the testimony of Dr. Marcy and Dr. Heath, that the label does not specify any diseases of the stomach, but merely conditions without the implyment of any organic difficulties, and they testified that this product, which admittedly included some medicinal elements, had a curative or remedial effect on the stomach, although they admitted it would not cure the stomach if the

troubles arose from diabetes, ulcers and cancers, but they seemed to think—at least Dr. Heath seemed to think, the product might in such cases often afford some relief. You will remember the testimony, not only that given on behalf of the defendant, but also the testimony for the Government on that point, and it is your duty to harmonize it, and while it is merely opinion evidence, yet, at the same time, it is the opinion of skilled and trained men—trained physicians—who presumably are aware of the effects of medicines on the stomach, and after an examination of the testimony on both sides, give credence to that testimony which appeals to you most.

Now, treating more especially with the defense in this case, you will bear in mind that the witness Skarzynski, who was the president of the defendant company, desires that you should believe that this commodity was put on the market in absolute good faith, and that he did not intend to deceive the public; indeed, he claims broadly that the commodity is not misbranded, and some testimony in substantiation thereof has been given by the doctors as already stated.

He testified that the Wine of Chenstohow is quite celebrated in Poland; that it was originally manufactured by the Paulist fathers; that he obtained his formula for the wine, tonic, or drug which he subsequently manufactured in Buffalo, from a cousin of his, a doctor of some ability, living in Lemburg, Poland, and that he was told, at the time the formula was delivered to him, that it was a remedy for ailments and indispositions and conditions such as are stated on the label. He testified that he has been manufacturing this product in this community about fourteen years; that he never intended that the label should be understood as meaning it to be a remedy for organic troubles such as the Government has specified, and that it was always his idea that the language upon the label should be used in the restricted sense. Of course, it does not matter what his original idea or intention was in that respect; it is for you to determine, from the language itself, what the public would understand by the wording and phrasing contained on the package.

Now, gentlemen, there was some testimony given in reference to a decree that was entered in the United States Court at Chicago, condemning some of the product manufactured by the defendant company, under the Pure Food Law, and a decree was also alluded to in this court, showing or tending to show that the defendant company pleaded guilty here.

The decree of the Illinois court required the defendant to eliminate certain statements from the label, which indicated that the product was a foreign importation, and that it was manufactured by the Paulist fathers. That decree was not a bar to this proceeding; the Government now goes farther than it did before, as it has the right, and says that the labeling was wrong, that it was false, and therefore was a misbranding under the meaning and intendment of the Sherley Act.

There was testimony given by Dr. Hill on behalf of the defendant that the analysis was improper; that it failed to show the various active medicinal agencies contained in the commodity, and Dr. Hill testified that, in his opinion, there was no way of determining what acids there were present in the solution, and that the chemist did not fully determine the total amount of solids that were contained in the preparation.

Gentlemen, these are vital matters that are submitted to you, but, in connection with the testimony of Dr. Hill you, of course, must take into consideration the testimony of Mr. Patton, the chemist, who stated, on rebuttal that the failure to state these various solids made no difference so far as the analysis was concerned.

Your attention is also called to the testimony of Dr. Marcy and Dr. Heath—indeed, I have already alluded to it, but it should be considered in connection with the testimony of Dr. Stockton, Dr. Leonard, and Dr. Otto, all with the view of ascertaining what the truth is as to whether this commodity was misbranded—as to whether the words contained upon the label broadly referred to curing all stomach troubles that the human frame is heir to, or whether they were to be taken in the restricted sense; those matters are to be determined by you from the language itself; you must ascertain what the ordinary significance is of those words.

If you reach the conclusion that there was a misbranding, as I have stated, you must go a step further, and you must examine the testimony with the view of ascertaining whether there was an intention to deceive the public, and if so, then the defendant is guilty as charged in the information.

On the other hand, if you reach the conclusion that there was a misbranding, but there was no intention to foist upon the public this commodity with the

view of gain, then the defendant is entitled to an acquittal on the ground that there was no intention to violate the statute, and without the intention being present there can be no conviction.

Any requests?

Mr. BAIN. No, sir.

Mr. O'DAY. I would like to have the Court charge the jury on the question of intent, that wanton and reckless disregard for the truth is equivalent to an intent to do a thing.

The COURT. Yes.

Mr. O'DAY. I ask the Court to charge the jury that the state of mind—on the question of the intent of the defendant—the state of mind is itself a fact, and may be a material fact, and false and fraudulent representations may be made about it, bearing on what he thought or knew of the ingredients, and persons who make or deal in substances or compositions alleged to be curative are in a position to have superior knowledge, and may be held to good faith in their statements?

The COURT. Yes; that is a correct statement of the law.

Mr. O'DAY. I ask the Court to charge the jury, furthermore, that the article alone is not necessarily the inducement and compensation for its purchase, that it is the use to which it may be put, and the purpose it may serve, and there is a disposition to defraud when the article is not of the character or kind represented, and hence does not serve the purpose.

The COURT. Yes.

Mr. O'DAY. I ask the Court to charge the jury that in connection with the word "remedy"—I believe that the Court has already charged that the words should be taken in their usual meaning—that the usual meaning of the word "Remedy," as a matter of law, is that which cures disease, any medicine, the application of which puts an end to disease and restores health.

The COURT. That is what I said before.

Mr. O'DAY. I ask the Court to charge, as a matter of law, that the word "curative" is to be taken in the usual sense, on this bottle and that the usual sense of the word "curative" is that which cures, a remedy.

The COURT. Yes.

Mr. BAIN. In connection with that, I ask your Honor to charge the jury, that another recognized definition of "remedy" is "curative tendency only, and not a guarantee."

The COURT. Yes.

Mr. BAIN. I ask your Honor to charge the jury, that if upon any reasonable hypotheses they can reconcile the evidence with the defendant's innocence, they should acquit.

The COURT. So charged.

The jury thereupon retired, and after due deliberation came into court on December 20, 1917, and reported that they were unable to agree upon a verdict, and were thereupon discharged by the court from further consideration of the case. On March 13, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $75.

R. A. PEARSON, *Acting Secretary of Agriculture.*

6126. Adulteration and misbranding of vinegar. U. S. * * * v. 60 Barrels of Vinegar. Product ordered released upon payment of costs. (F. & D. No. 7212. I. S. No. 10880-l. S. No. C-443.)

On February 7, 1916, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 barrels of vinegar, remaining unsold in the original unbroken packages at Madison, Wis., alleging that the article had been shipped on or about November 1, 1915, by Barrett & Barrett, a corporation, Chicago, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of distilled vinegar or diluted acetic acid, and a foreign substance had been mixed with it, so as to reduce and injuriously affect its quality and strength.

It was alleged in substance that the article was misbranded for the reason that it was labeled, "Blue Ribbon Brand Cider Vinegar. Reduced to 4½% Acetic Strength," whereas it was not a cider vinegar, but was a mixture of acetic acid or distilled vinegar and a product containing foreign matter, prepared in imitation of cider vinegar, and the statements borne on the label, regarding the ingredients and substances contained therein, were false and misleading.

On January 19, 1918, the court having read the petition of Barrett & Barrett, claimant, and reposing confidence in the representations of the petitioners to the effect that they would not unlawfully sell, offer for sale, or otherwise dispose of the vinegar, but would properly mark and lawfully brand the same in case of sale and shipment, and on the further agreement to pay all storage and other charges, together with the costs of the proceedings, and that the said petitioners would abide by any further orders of the court relative to the matter, it was ordered by the court that the vinegar should be delivered to said claimant, and that the libel should be dismissed.

R. A. Pearson, *Acting Secretary of Agriculture.*

6127. Adulteration and misbranding of vinegar. U. S. * * * v. 15 Barrels * * * of Vinegar. Product ordered released upon payment of costs. (F. & D. No. 7213. I. S. No. 10877–l. S. No. C–444.)

On February 10, 1916, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 barrels, each containing 6 dozen bottles of vinegar, remaining unsold in the original unbroken packages at Beloit, Wis., alleging that the article had been shipped on or about December 13, 1915, by Barrett & Barrett, a corporation, Chicago, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of distilled vinegar, or diluted acetic acid, and a foreign substance mixed with it so as to reduce and injuriously affect its quality and strength.

It was alleged in substance that the article was misbranded for the reason that it was labeled, "B. & B. Thirty ounce container Always Good Cider Vinegar. Reduced to 4% acetic strength. Barrett & Barrett, Chicago," whereas it was not a cider vinegar, but was a mixture of acetic acid or distilled vinegar, and a product containing foreign matter, prepared in imitation of cider vinegar, and the statements borne on the label, regarding the ingredients and substances contained therein, were false and misleading.

On January 21, 1918, the court having read the petition of Barrett & Barrett, claimant, and reposing confidence in the representations of the petitioners to the effect that they would not unlawfully sell, offer for sale, or otherwise dispose of the vinegar, but would properly mark and lawfully brand the same in case of sale and shipment, and on the further agreement to pay all storage and other charges together with the cost of the proceedings, and that the said petitioners would abide by any further orders of the court relative to the matter, it was ordered by the court that the vinegar should be delivered to said claimant and that the libel should be dismissed.

R. A. Pearson, *Acting Secretary of Agriculture.*

6128. Adulteration and misbranding of vinegar. U. S. * * * v. 5 Barrels of Vinegar. Product ordered released upon payment of costs. (F. & D. No. 7230. I. S. No. 12416-l. S. No. C-451.)

On February 19, 1916, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels of vinegar, remaining unsold in the original unbroken packages at Brooklyn, Wis., alleging that the article had been shipped on or about October 27, 1915, by Barrett & Barrett, a corporation, Chicago, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of distilled vinegar or diluted acetic acid and a foreign substance mixed with it so as to reduce and injuriously affect its quality and strength.

It was alleged in substance that the article was misbranded for the reason that it was labeled "Barrett & Barrett, Chicago Cider Vinegar Always Good Reduced to 4½% Acetic Strength," whereas it was not a cider vinegar, but was a mixture of acetic acid or distilled vinegar and a product containing foreign matter, prepared in imitation of cider vinegar, and the statements borne on the label, regarding the ingredients and substances contained therein, were false and misleading.

On January 21, 1918, the court having read the petition of Barrett & Barrett, claimant, and reposing confidence in the representations of the petitioners to the effect that they would not unlawfully sell, offer for sale, or otherwise dispose of the vinegar, but would properly mark and lawfully brand the same in case of sale and shipment, and on the further agreement to pay all storage and other charges, together with the costs of the proceedings, and that the said petitioners would abide by any further orders of the court relative to the matter, it was ordered by the court that the vinegar should be delivered to said claimant and that the libel should be dismissed.

R. A. Pearson, *Acting Secretary of Agriculture.*

6129. Adulteration and misbranding of vinegar. U. S. * * * v. 6 Barrels of Vinegar. Product ordered released upon payment of costs. (F. & D. No. 7231. I. S. Nos. 12417–l, 12418–l. S. No. C–452.)

On February 19, 1916, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 barrels of vinegar, remaining unsold in the original unbroken packages at Evansville, Wis., alleging that the article had been shipped on or about June 5, 1915, and December 20, 1915, by Barrett & Barrett, a corporation, Chicago, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of distilled vinegar or diluted acetic acid and a foreign substance mixed with it so as to reduce and injuriously affect its quality and strength.

It was alleged in substance that the article was misbranded for the reason that it was labeled, "Barrett & Barrett Chicago Cider Vinegar Always Good Reduced to 4%" or "4½% acetic strength," as the case might be, whereas it was not cider vinegar, but was a mixture of acetic acid or distilled vinegar and a product containing foreign matter, prepared in imitation of cider vinegar, and the statements borne on the label, regarding the ingredients and substances contained therein, were false and misleading.

On January 19, 1918, the court having read the petition of Barrett & Barrett, claimant, and reposing confidence in the representations of the petitioners to the effect that they would not unlawfully sell, offer for sale, or otherwise dispose of the vinegar, but would properly mark and lawfully brand the same in case of sale and shipment, and on the further agreement to pay all storage and other charges, together with the costs of the proceedings, and that the said petitioners would abide by any further orders of the court relative to the matter, it was ordered by the court that the vinegar should be delivered to said claimant and that the libel should be dismissed.

R. A. Pearson, *Acting Secretary of Agriculture.*

6130. Adulteration and misbranding of vinegar. U. S. * * * v. 52 Barrels of Vinegar. Product ordered released upon payment of costs. (F. & D. No. 7234. I. S. Nos. 12420-l, 12421-l. S. No. C-453.)

On March 2, 1916, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 52 barrels of vinegar, remaining unsold in the original unbroken packages at Beloit, Wis., alleging that the article had been shipped on or about December 13, 1915, by Barrett & Barrett, a corporation, Chicago, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of distilled vinegar or diluted acetic acid and a foreign substance mixed therewith, so as to reduce and injuriously affect its quality and strength.

It was alleged in substance that the article was misbranded for the reason that it was labeled, "Cider Vinegar. Reduced to 4%" or "4½%," as the case might be, "acetic strength," whereas it was not cider vinegar, but was a mixture of acetic acid or distilled vinegar and a product containing foreign matter, prepared in imitation of cider vinegar, and the label thereon regarding the ingredients and substances contained therein was false and misleading.

On January 19, 1918, the court having read the petition of Barrett & Barrett, claimant, and reposing confidence in the representations of the petitioners to the effect that they would not unlawfully sell, offer for sale, or otherwise dispose of the vinegar, but would properly mark and lawfully brand the same in case of sale and shipment, and on the further agreement to pay all storage and other charges, together with the costs of the proceedings, and that the said petitioners would abide by any further orders of the court relative to the matter, it was ordered by the court that the vinegar should be delivered to said claimant and that the libel should be dismissed.

R. A. Pearson, *Acting Secretary of Agriculture.*

6131. Adulteration and misbranding of evaporated apples. U. S. * * * v. Kimmons, Walker & Co., a corporation. Plea of guilty to first four counts of information. Fine, $20 and costs. Remaining counts of information dismissed. (F. & D. No. 7283. I. S. Nos. 11513–k, 11514–k, 11520–k, 11524–k, 11527–k, 11528–k, 11530–k, 11531–k, 11878–k.)

On July 28, 1916, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 16 counts against Kimmons, Walker & Co., a corporation, Springdale, Ark., alleging shipment by said company, in the first 4 counts of the information, in violation of the Food and Drugs Act, on or about October 1, 1914, and September 25, 1914, from the State of Arkansas into the State of Oklahoma, of quantities of an article labeled in part, "Ozark Brand Evaporated Apples," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the product in each instance contained an excessive amount of water.

Adulteration of the article in each shipment was alleged in the information for the reason that a certain substance, to wit, water, or a substance containing water, had been substituted in whole or in part for evaporated apples, which the article purported to be, and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its strength and quality.

Misbranding of the article in each shipment was alleged for the reason that the statement borne on the label, regarding the article and the ingredients and substances contained therein, to wit, "Evaporated Apples," was false and misleading in that it indicated to purchasers thereof that the article consisted of evaporated apples, when, in truth and in fact, it did not, but consisted of, to wit, a partially dried apple product containing an excessive amount of water; and for the further reason that it was a partially dried apple product containing an excessive amount of water and was offered for sale under the distinctive name of another article, to wit, evaporated apples, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article consisted of evaporated apples, when, in truth and in fact, it did not, but consisted of, to wit, a partially dried apple product containing an excessive amount of water.

On October 5, 1917, the defendant entered a plea of guilty to the first four counts of the information, and the court imposed a fine of $20 and costs. The remaining twelve counts of the information charging the interstate shipment of six other consignments of the product, alleged to have been adulterated and misbranded, were dismissed.

R. A. Pearson, *Acting Secretary of Agriculture.*

6132. Adulteration of pork and beans. U. S. * * * v. 584 Cases * * * of Pork and Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7315. I. S. No. 10535-l. S. No. C-472.)

On April 17, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 584 cases of pork and beans, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on February 16, 1916, by Hart Bros., Saginaw, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a decomposed animal substance.

On February 26, 1918, the said Hart Bros., claimants, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be repicked, inspected, and recanned, under the supervision of a representative of this department, and that such portion thereof as might be found fit for human food should be released to said claimants to be used in the manufacture of human food products, and that the unfit portion should be sold and used for animal food only.

R. A. Pearson, *Acting Secretary of Agriculture.*

6133. Adulteration of pork and beans. U. S. * * * v. 247 Cases * * * of Pork and Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7327. I. S. No. 11557–l. S. No. C–479.)

On April 18, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure of 247 cases of pork and beans, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on February 23, 1916, by Hart Bros., Saginaw, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a decomposed animal substance.

On February 26, 1918, the said Hart Bros., claimants, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be repicked, inspected, and recanned, under the supervision of a representative of this department, and that such portion thereof as might be found fit for human food should be released to said claimants, and that the unfit portion should be sold and used for animal food only.

R. A. Pearson, *Acting Secretary of Agriculture.*

6134. Adulteration of pork and beans. U. S. * * * v. 500 Cases of Pork and Beans. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 7343. I. S. No. 10141-l. S. No. C-489.)

On April 24, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cases of pork and beans, remaining unsold in the original unbroken packages at Hannibal, Mo., alleging that the article had been shipped on or about February 8, 1916, by the Wisconsin Pea Canners Co., Manitowoc, Wis., and transported from the State of Wisconsin into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "Eureka Brand Pork and Beans with Tomato Sauce. Packed by Wisconsin Pea Canners Co., Manitowoc, Wis."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted of a partially decomposed vegetable and animal substance.

On February 15, 1918, the said Wisconsin Pea Canners Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

6135. Adulteration of pork and beans. U. S. * * * v. 675 Cases of Pork and Beans. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 7373. I. S. No. 10142–l. S. No. C–508.)

On April 28, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 675 cases, each containing 24 cans of pork and beans, remaining unsold in the original unbroken packages at Hannibal, Mo., alleging that the article had been shipped on or about April 6, 1916, by the Wisconsin Pea Canners Co., Manitowoc, Wis., and transported from the State of Wisconsin into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Sweet Home Brand Pork and Beans in Tomato Sauce."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted of a partially decomposed vegetable substance.

On February 15, 1918, the said Wisconsin Pea Canners Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

6136. Misbranding of Aqua Nova Vita. U. S. * * * v. The Aqua Nova Vita Co., a corporation. Plea of guilty. Fine, $75. (F. & D. No. 7481. I. S. No. 1752-k.)

On July 28, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Aqua Nova Vita Co., a corporation, doing business at Easton, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 7, 1914, from the State of Pennsylvania into the State of New York, of a quantity of an article labeled in part, "Aqua Nova Vita," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ions.	Mgs. per liter.
Phosphoric acid (PO_4) : Trace.	
Metaboric acid (BO_2) : Trace.	
Arsenic acid (AsO_4) : Trace.	
Silica (SiO_4)	16
Sulphuric acid (SO_4)	189
Carbonic acid (CO_3)	0.0
Bicarbonic acid (HCO_3)	216
Nitric acid (NO_3)	0.0
Acetic acid [1] ($C_2H_3O_2$)	1,565
Chlorin (Cl)	32,820
Bromin (Br)	0.0
Iodin (I) : Trace.	
Iron (Fe)	540
Aluminum (Al)	0.0
Manganese (Mn)	2
Calcium (Ca)	6,890
Strontium (Sr)	200
Magnesium (Mg)	2,450
Potassium (K)	370
Sodium (Na)	8,710
Lithium (Li)	14
	53,982
Alcohol (grams per 100 cc)	1.61

Hypothetical combinations.

Lithium chlorid (LiCl)	86
Potassium chlorid (KCl)	705
Sodium acetate [1] ($NaC_2H_3O_2$)	2,174
Sodium chlorid (NaCl)	20,589
Magnesium chlorid ($MgCl_2$)	9,594
Calcium chlorid ($CaCl_2$)	18,670
Calcium sulphate ($CaSO_4$)	268
Calcium bicarbonate ($Ca(HCO_3)2$)	287
Strontium chlorid ($SrCl_2$)	362
Ferrous chlorid ($FeCl_2$)	1,226
Manganous chlorid ($MnCl_2$)	5
Silica (SiO_2)	16
	53,982
Specific gravity 20°/20° C	1.0383

[1] Qualitative tests showed the presence of acetic and butyric acids. Probably other organic acids are present. The excess of base over acid was calculated to acetate.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the label falsely and fraudulently represented it to be effective as a remedy in blood and gland diseases, cancer, internal and external, lupus vulgaris, lupus erythematosus, syphilis, scrofula, catarrh, hay fever, hardening of the arteries or arterio sclerosis, fibrosis, tuberculosis in the first and second stages, senile decay of old age, anemia and nervous diseases, first stage of paralysis, paresis, paranoia, insomnia or sleeplessness, impotence, locomotor ataxia, senile dementia, nervous disorders due to melancholia and improper menstruation, all but the last stage of myxoedemia, dropsy, diabetes, Bright's disease, dyspepsia, indigestion, chronic diarrhea, liver, kidney, and stomach troubles, typhus, typhoid, and other enteric fevers, all scalp and skin diseases due to blood impurity, bacterial or vegetable parasites; as a general antitoxin against all forms of bacterial poisons; as a solvent in all forms of mineral deposits, sclerosis, and calculi; for restoring blood pressure and metabolism to the normal, thereby bringing tissue and weight back to the normal; for stopping all excessive use of all stimulants, whether alcohol, tobacco, coffee, tea, and all narcotic drugs; and for restoring the circulation of the blood, whether due to arterio sclerosis or anemia, when, in truth and in fact, it was not.

On March 11, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $75.

R. A. Pearson, *Acting Secretary of Agriculture.*

6137. Adulteration of oysters. U. S. * * * v. Walter Van Orden, William G. Van Orden, and Ida Frances Mussen (Van Orden Bros.). Pleas of guilty. Fine, $10. (F. & D. No. 7482. I. S. No. 10873-l.)

On January 24, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter Van Orden, William G. Van Orden, and Ida Frances Mussen, trading as Van Orden Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on December 21, 1915, from the State of New York into the State of Illinois, of a quantity of oysters which were adulterated.

Analysis of a sample of the articles by the Bureau of Chemistry of this department showed the following results:

Free liquor (per cent)	6.96
Drained meat (per cent)	91.98
Solids in drained meat (per cent)	16.52
Ash in meat (per cent)	.89
Sodium chlorid in meat (per cent)	.04
Loss on boiling (per cent)	43.92
Sodium chlorid in liquor (per cent)	.40

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for oysters, which the article purported to be.

On January 30, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $10.

R. A. Pearson, *Acting Secretary of Agriculture.*

6138. Adulteration of oysters. U. S. * * * v. Walter Van Orden, William G. Van Orden, and Ida Frances Mussen (Van Orden Bros.). Pleas of guilty. Fine, $10. (F. & D. No. 7483. I. S. No. 12412–l.)

On January 24, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter Van Orden, William G. Van Orden, and Ida Frances Mussen, trading as Van Orden Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on January 11, 1916, from the State of New York into the State of Illinois, of a quantity of oysters which were adulterated.

Analysis of a sample of the articles by the Bureau of Chemistry of this department showed the following results:

Free liquor (per cent)	5.41
Drained meat (per cent)	93.39
Solids in drained meat (per cent)	16.69
Ash in meat (per cent)	1.08
Sodium chlorid in meat (per cent)	.05
Loss on boiling (per cent)	47.7
Sodium chlorid in liquor (per cent)	.23

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for oysters, which the article purported to be.

On January 30, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $10.

R. A. Pearson, *Acting Secretary of Agriculture.*

6139. Adulteration of oysters. U. S. * * * v. Walter Van Orden, William G. Van Orden, and Ida Frances Mussen (Van Orden Bros.). Pleas of guilty. Fine, $10. (F. & D. No. 7484. I. S. No. 12414-l.)

On January 24, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter Van Orden, William G. Van Orden, and Ida Frances Mussen, trading as Van Orden Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on January 18, 1916, from the State of New York into the State of Illinois, of a quantity of oysters which were adulterated.

Analysis of a sample of the articles by the Bureau of Chemistry of this department showed the following results:

Free liquor (per cent)	7.21
Drained meat (per cent)	91.78
Solids in drained meat (per cent)	16.69
Ash in meat (per cent)	1.14
Sodium chlorid in meat (per cent)	.10
Loss on boiling (per cent)	46.3
Sodium chlorid in liquor (per cent)	.25

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for oysters, which the article purported to be.

On January 30, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $10.

R. A. Pearson, *Acting Secretary of Agriculture.*

6140. Misbranding of cottonseed meal. U. S. * * * v. Frederick W. Brode (F. W. Brode & Co.). Plea of guilty. Fine, $400. (F. & D. No. 7526. I. S. Nos. 19504–h, 13525–k, 13526–k, 26029–k, 26031–k, 26036–k, 26038–k, 26039–k.)

On March 13, 1917, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frederick W. Brode, trading as F. W. Brode & Co., Memphis, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 27, 1915, and December 22, 1914, from the State of Tennessee into the State of Indiana, on or about March 25, 1914, from the State of Tennessee into the State of Vermont, on or about February 4, 1915 (2 shipments), from the State of Tennessee into the State of Maine, on or about February 18, 1915, from the State of Tennessee into the State of New Hampshire, on or about February 19, 1915, from the State of Tennessee into the State of Vermont, and on or about February 17, 1915, from the State of Tennessee into the State of Maine, of quantities of cottonseed meal, labeled in part, "Owl Brand," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Shipment of	Jan 27, 1915.	Dec. 22, 1914.	Mar. 25, 1914.	Feb. 4, 1915. No. 1.	Feb. 4, 1915, No. 2.	Feb. 18, 1915.	Feb. 19, 1915.	Feb. 17, 1915.
Crude protein (N x 6.25) (per cent).	36.44	37.50	38.4	38.12	38.94	39.00	39.50	39.19
Crude fiber (per cent)	.....	11.37	12.63	14.77	12.89	14.56	13.68	12.09

Misbranding of the article in the shipment on January 27, 1915, was alleged in the information for the reason that the statement borne on the label, regarding the article and the ingredients and substances contained therein, to wit, "F. W. Brode & Company, of Memphis, Tenn., guarantee this Owl Brand Cottonseed Meal to contain * * * 41.0 per cent of crude protein," was false and misleading in that it indicated to purchasers that the article contained not less than 41 per cent of crude protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained not less than 41 per cent of crude protein, when, in truth and in fact, it contained less than 41 per cent of crude protein, to wit, 36.44 per cent.

Misbranding of the article in the shipment on December 22, 1914, was alleged for the reason that the statement borne on the label, regarding the article and the ingredients and substances contained therein, to wit, "F. W. Brode & Company, of Memphis, Tenn., guarantee this Owl Brand Cottonseed Meal to contain not less than * * * 41 per cent of crude protein, not more than 10.0 per cent of crude fibre," was false and misleading in that it indicated to purchasers that the article contained not less than 41 per cent of crude protein and not more than 10 per cent of crude fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of crude protein and not more than 10 per cent of crude fiber, when, in truth and in fact, it contained less than 41 per cent of crude protein and more than 10 per cent of crude fiber, to wit, 37.50 per cent of crude protein and 11.37 per cent of crude fiber.

Misbranding of the article in the other shipments was alleged for the reason that the statement borne on the label, regarding the article and the ingredients and substances contained therein, to wit, "Guaranteed analysis * * * pro-

tein 41 per cent * * * fibre maximum 10 per cent," was false and misleading in that it indicated to purchasers thereof that the article contained not less than 41 per cent of protein and not more than 10 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained not less than 41 per cent of protein and not more than 10 per cent of fiber, when, in truth and in fact, it contained less than 41 per cent of protein and more than 10 per cent of fiber, to wit, 38.4 per cent of protein and 12.63 per cent of fiber, or 38.12 per cent of protein, and 14.77 per cent of fiber, or 38.94 per cent of protein and 12.89 per cent of fiber, or 39 per cent of protein and 14.56 per cent of fiber, or 39.50 per cent of protein and 13.68 per cent of fiber, or 39.19 per cent of protein and 12.09 per cent of fiber, as the case might be.

On January 23, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $400.

R. A. Pearson, *Acting Secretary of Agriculture.*

6141. Misbranding of cognac type brandy. U. S. * * * v. Benno C. Samuel, Lawrence M. Samuel, and Sanford Samuel (Samuel Bros. & Co.). Pleas of guilty. Fine, $20. (F. & D. No. 7594. I. S. No. 4208–k.)

On January 31, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Benno C. Samuel, Lawrence M. Samuel, and Sanford Samuel, trading as Samuel Bros. & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on May 29, 1915, from the State of New York into the State of Massachusetts, of a quantity of an article labeled in part, "Contents 1 pt. & 9 fl. oz. Leumas' Brand Cognac Type Brandy," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Proof at 60° F	88.3
Acids, as acetic (parts per 100,000 to 100° proof)	27.0
Esters, as acetic (parts per 100,000 to 100° proof)	71.0
Fusel oil (parts per 100,000 to 100° proof)	72.8

Taste: Not similar in any way to cognac brandy.

Contents:	Per cent.
1st bottle: 1 pint 8.34 fl. oz	2.64 shortage.
2nd bottle: 1 pint 7.67 fl. oz	5.32 shortage.
3rd bottle: 1 pint 8.91 fl. oz	0.36 shortage.
Average shortage	2.77

Misbranding of the article was alleged in the information for the reason that the statement regarding the article and the ingredients and substances contained therein, to wit, "Leumas' Brand Cognac," together with the general appearance of the label and the representation of three stars thereon, not corrected by the word, "Type," appearing in inconspicuous type on the label, was false and misleading in that it indicated to purchasers that the article was cognac brandy produced in the Cognac district, Republic of France; and for the further reason, in substance, that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the article was cognac brandy produced in the Cognac district, Republic of France, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statement appearing on the label, regarding the article and the ingredients and substances contained therein, to wit, "Leumas' Cognac Type Brandy," was false and misleading in that it indicated to purchasers that it was cognac brandy of the type produced in the Cognac district, Republic of France, and for the further reason that it was labeled as aforesaid, so as to deceive and mislead purchasers into the belief that it was cognac brandy of the type produced in the Cognac district, Republic of France, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was a domestic product, manufactured in the United States of America, and purported to be of foreign origin, to wit, a product of the Republic of France. Misbranding was alleged for the further reason that the article consisted of food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On February 6, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $20.

R. A. Pearson, *Acting Secretary of Agriculture.*

6142 (Supplement to Notice of Judgment 5561). Adulteration of milk. U. S. * * * v. Union Dairy Co., a corporation. Decision of the United States Circuit Court of Appeals for the Seventh Circuit, affirming the judgment of conviction in the lower court. (F. & D. No. 7626. I. S. No. 11710-l.)

On July 20, 1917, a petition for a writ of error to the District Court of the United States for the Southern District of Illinois was filed and granted in a case involving the interstate shipment by the Union Dairy Co., a corporation, doing business at Troy, Ill., in violation of the Food and Drugs Act, of a quantity of adulterated milk, in which case the judgment of conviction was entered in said district court June 7, 1917.

On February 20, 1918, the case having come on for final disposition before the United States Circuit Court of Appeals for the Seventh Circuit (before Baker, Alschuler, and Evans, circuit judges), the judgment of conviction in the lower court was affirmed, as will more fully appear from the following decision of said circuit court of appeals:

Writ of error to review judgment in favor of the Government and against plaintiff in error for violation of Food and Drugs Act.

Plaintiff in error is charged with having shipped 75 cans of milk from Troy, Illinois, to itself at St. Louis, Missouri, which milk was adulterated through the addition of water, and it was further charged that "filth, putrid and decomposed animal substance" was found therein.

EVANS, *Circuit Judge.*

Plaintiff in error contends that it was shipping the milk from a receiving station in Illinois to itself in Missouri, there to be treated, impurities removed, and the milk standardized; that while in transit it was not an article of food such as was defined by the Food and Drugs Act; and did not become such an article of food until after treatment.

Were we to adopt this conclusion, it would do violence to the plain language of Sec. 2 of the act under which prosecution is brought. The first sentence of Sec. 2 reads:

"The introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia or from any foreign country, or shipment to any foreign country, of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited."

Sec. 6 of the act provides:

"The term 'food' as used herein shall include all articles used for food, drink, confectionery, or condiment by man or other animals whether simple, mixed, or compound."

Our conclusion is strengthened by another section of the act. Sec. 9 provides:

"No dealer shall be prosecuted under the provisions of this act when he can establish a guarantee signed by the wholesaler, jobber, manufacturer, or other party, residing in the United States, from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it."

In *Hipolite Egg Co.* v. *United States*, 220 U. S. 45, the court said:

"Transportation in interstate commerce is forbidden to them (decayed eggs), and in a sense they are made culpable as well as their shipper. It is clearly the purpose of the statute that they shall not be stealthily put into interstate commerce and be stealthily taken out again at their destination and be given asylum in the mass of property in the State."

In passing this act, Congress was endeavoring to protect the public by keeping out of commerce certain illicit articles, debased by adulteration, and it would be an unjustifiable construction of the act to make liability turn upon a difference in identity of consignor and consignee, or the secret intent with which a shipper made the shipment.

Plaintiff in error further contends that the evidence fails to show any adulteration at all, or such an adulteration as injured the milk as food. We have carefully examined the record, and giving the stipulation of the parties the fair meaning which we believe was intended, the adulteration was clearly established. It was unnecessary for the court to receive evidence to establish the fact that the addition of water to milk injuriously affected the quality or strength of milk. (See Sec. 7 of the act.)

Judgment is affirmed.

R. A. Pearson, *Acting Secretary of Agriculture.*

6143. Misbranding of Dr. Brown's New Consumption Remedy. U. S. * * * v. David H. Brown (Magnolia Remedy Co.). Plea of guilty. Fine, $50 and costs. (F. & D. No. 7656. I. S. No. 3603-l.)

On November 26, 1916, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against David H. Brown, trading as the Magnolia Remedy Co., St. Augustine, Fla., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 18, 1916, from the State of Florida into the State of Georgia, of a quantity of an article labeled in part, "Dr. Brown's New Consumption Remedy," which was misbranded.

Analysis of the sample of the article by the Bureau of Chemistry of this Department showed that the product was a dark brown emulsion with an odor of creosote and a strong acid reaction. It contained, essentially, creosote, phosphoric acid, sodium phosphate, magnesium sulphate, glucose, sugar, and a trace of an unidentified alkaloid.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the label falsely and fraudulently represented it as a remedy for consumption, pneumonia, la grippe, and all diseases of the lungs and bronchial tubes, when, in truth and in fact, it was not. It was further alleged in substance that the article was misbranded for the reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a cure for consumption, pneumonia, sore throat, pleurisy, and all diseases of the respiratory organs, and as a preventive of consumption, when, in truth and in fact, it was not.

On December 8, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

R. A. Pearson, *Acting Secretary of Agriculture.*

6144. Adulteration of catsup. U. S. * * * v. The Harbauer Co., a corporation. Plea of nolo contendere. Fine, $75 and costs. (F. & D. No. 7668. I. S. No. 11286–l.)

On February 15, 1917, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Harbauer Co., a corporation, Toledo, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 20, 1916, from the State of Ohio into the State of Michigan, of a quantity of an article labeled in part, "Compound Catsup," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be a partially decomposed vegetable product.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On January 21, 1918, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $75 and costs.

R. A. Pearson, *Acting Secretary of Agriculture.*

6145. Misbranding of cottonseed meal. U. S. * * * v. Southland Cotton Oil Co., a corporation. Plea of nolo contendere. Judgment of guilty. Fine, $50. (F. & D. No. 7699. I. S. No. 19741-l.)

On December 9, 1916, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southland Cotton Oil Co., a corporation, Paris, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 21, 1915, from the State of Texas into the State of Michigan, of a quantity of an article labeled in part, "Sunset Brand Prime Cotton Seed Meal and Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Total ammonia (per cent)	7.58
Protein (N x 6.25) (per cent)	38.9
Total nitrogen (per cent)	6.23
Crude fiber (per cent)	12.3

The product contains less ammonia, protein, and nitrogen, and more fiber than are declared on the label.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis: Ammonia 8 to 8½% (Not less than 8%) Protein 41 to 43% (Not less than 41%) * * * Nitrogen 6½ to 8% (Not less than 6½%) * * * Fiber (Maximum) 8 to 10% (Not more than 10%)," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6½ per cent of nitrogen, and not more than 10 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6½ per cent of nitrogen, and not more than 10 per cent of fiber, when, in truth and in fact, it contained less than the amounts indicated of ammonia, protein, and nitrogen, and more than 10 per cent of fiber, to wit, approximately 7.58 per cent of ammonia, approximately 38.90 per cent of protein, approximately 6.23 per cent of nitrogen, and approximately 12.3 per cent of fiber.

On October 17, 1917, the defendant company entered a plea of nolo contendere to the information, and the court entered a judgment of guilty and imposed a fine of $50.

R. A. Pearson, *Acting Secretary of Agriculture.*

6146. Misbranding of maple and refined sugar sirup. U. S. * * * v. Sylvester B. Rogers and Fred H. Rogers, copartners, (S. B. Rogers & Son). Pleas of guilty. Fine, $25. (F. & D. No. 7708. I. S. Nos. 601–l, 1540–l.)

On January 23, 1917, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sylvester B. Rogers and Fred H. Rogers, copartners, trading under the name of S. B. Rogers & Son, Elmira, N. Y., alleging shipment by said defendants, on or about October 28, 1915, and April 21, 1916, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of quantities of an article labeled in part, "Fancy Maple and Refined Sugar Syrup, ½ Gallon, manufactured by S. B. Rogers & Son, Elmira, New York," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Shipment of April 21, 1916.

No.	Net contents.	Shortage.
	Gallon.	*Per cent.*
1	0.462	7.6
2	.462	7.6
3	.462	7.6
4	.459	8.2
5	.458	8.4
6	.462	7.6

Average shortage (per cent) 7.8.

Capacity of cans was less than ½ gallon.

Shipment of October 28, 1915.

No.	Net contents.	Shortage.
	Gallons.	*Per cent.*
1	0.47	6.0
2	.452	9.6
3	.462	7.6

Average shortage (per cent) 7.7.

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, "½ gallon," borne on the label attached to the can, regarding the article, was false and misleading in that it represented that the can contained ½ gallon of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained ½ gallon of the article, whereas, in truth and in fact, it did not, but contained a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 19, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25.

R. A. Pearson, *Acting Secretary of Agriculture.*

6147. Adulteration of oysters. U. S. * * * v. Merrell-Haviland Oyster Co., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 7735. I. S. No. 20247-l.)

On January 10, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Merrell-Haviland Oyster Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on January 12, 1916, from the State of New York into the State of California, of a quantity of oysters which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Free liquor (per cent)	8.42
Drained meat (per cent)	91.58
Solids in drained meat (per cent)	14.50
Ash in meat (per cent)	.66
Sodium chlorid in meat (per cent)	.00
Loss on boiling (per cent)	54.5
Sodium chlorid in liquor (per cent)	.14

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, or reduce, and injuriously affect its quality, and had been substituted for oysters, which the article purported to be.

On November 5, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

R. A. Pearson, *Acting Secretary of Agriculture.*

6148. Adulteration and misbranding of vinegar. U. S. * * * v. 5 Half-Barrels of Vinegar. Product ordered destroyed. (F. & D. No. 7744. I. S. No. 11952–m. S. No. C–570.)

On October 9, 1916, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 half-barrels of vinegar, consigned on July 11, 1916, by the Wallace-McLean Vinegar Co., Memphis, Tenn., alleging that the article had been shipped and transported from the State of Tennessee into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Orchard Made Brand. Pure Apple Cider Vinegar reduced to four per cent acetic strength."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of distilled vinegar or dilute acetic acid, and was artificially colored in imitation of the product described in the label.

Misbranding of the article was alleged in substance for the reason that the statements borne on the labels were untrue and false and misleading.

On October 2, 1917, no claimant having appeared for the property, it was ordered by the court that the same should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

6149. Misbranding of Dr. J. H. McLean's Liver and Kidney Balm. U. S. * * * v. The Dr. J. H. McLean Medicine Co., a corporation. Tried to the court and a jury. Verdict of guilty. Fine, $200 and costs. Case pending on appeal in the United States Circuit Court of Appeals for the Eighth Circuit. (F. & D. No. 7760. I. S. No. 11107-l.)

On January 16, 1917, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Dr. J. H. McLean Medicine Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 30, 1915, from the State of Missouri into the State of Texas, of a quantity of an article labeled in part, "Dr. J. H. McLean's Liver and Kidney Balm," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a weak alcoholic preparation, containing small amounts of vegetable extractives and of sugar and a trace of carbonates.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the label on the bottles and cartons falsely and fraudulently represented it as a remedy for the treatment of diseases and disorders of the liver, kidney, and urinary organs, dropsy, inflammation of the kidneys and bladder, incontinence of urine, bedwetting of children, rheumatism, leucorrhea or whites, irregular menses, weakness in urinary organs, and pains in the back, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a remedy for the treatment of gall stones, diabetes, and Bright's disease, as a remedy for difficulty in passing urine and suppression and retention of urine, as a remedy for the treatment of rheumatism and as a cure for rheumatism, as a remedy for the cure of gout, sciatica, lumbago, and neuralgia, and as a remedy for gravel, and female diseases and disorders, when, in truth and in fact, it was not.

On May 17, 1917, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Trieber, *D. J.*):

Gentlemen of the Jury: For the purpose of protecting the health of the people, Congress in its wisdom has seen it proper to enact the law making it an offense for anyone to ship from one State or Territory to another State or Territory within the United States, any impure foods or drugs. The Act of Congress describes what act shall be deemed a violation of this law, and among others it provides that for the purposes of this Act an article shall be deemed to be misbranded if its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effects of such article or any of the ingredients or substances contained therein which is false and fraudulent. The defendant is charged by the information filed in this case with having violated that provision of the Act by having sent on July 20, 1916 [July 30, 1915], from the city of St. Louis in the State of Missouri, to a certain firm which is mentioned in the information, at Dallas, in the State of Texas, twelve bottles of its medicinal preparation which it is alleged contained on its label on the cartons in which the bottles were placed, and circulars accompanying them, the statement or claim that the use of this medicine in the manner prescribed therein, the doses, would arrest or retard a large number of diseases which are mentioned therein. Before going into this particular case, I would call your attention to certain general principles of law which apply to every criminal case tried in the Court of the United States. The law is merciful, it wants no person or corporation convicted of an offense unless, it says, every material allegation in the indictment or information is established by evidence which satisfies the Jury trying the case beyond a reasonable doubt of the truth of these allegations. But I want to say in this

connection in order that you may not be misled, that what the law means by a reasonable doubt is a rational doubt arising in the minds of reasonable men from the evidence of the case and which no other evidence removes, or from an insufficiency of the evidence a mere possible doubt which has upset the minds of some men on all occasions, a doubt which may be suggested by the ingenuity of counsel, or a doubt which may suggest itself in the minds of some jurists by reason of sympathy, but which is not warranted by the evidence in the case, is not a reasonable doubt and must not influence your verdict. The law goes further in its mercy. It says not only must these allegations and the guilt of the defendant be proven by the Jury beyond a reasonable doubt, but in order to justify a verdict of guilty, it is necessary for the Government to prove the allegations in the indictment in the manner in which they are charged. Although the evidence may show that a man is guilty of some offense, but if it is not the offense which is charged, or if it was not committed in the manner in which it was charged in the indictment or information, then the law says that the defendant is entitled to a verdict of not guilty. These are the general principles of law which are to govern the juries in the trial of every criminal case of the Court of the United States.

Now, the first important question for you to ascertain is, what are the material allegations in this information which must be proven beyond a reasonable doubt by the Government before you can render a verdict of guilty. These material allegations are, that the defendant is a corporation existing under the laws of the State of Missouri. At the time charged, in July, 1916, it did ship twelve bottles or any number of bottles, the number would be immaterial, from the City of St. Louis in the State of Missouri, to the person mentioned in the information at Dallas, in the State of Texas, therefore a State other than that where the shipment was made, of this preparation, and that the bottles contained, had attached to them a label which contained the claims set out in the information. That they were in cartons which contained the language charged and set out in the information, and also accompanied by circulars containing the language set out in the information. In order to enable you to determine this fact without going into it now, in charging you, the Court will permit you to take with you the information, the labels on the bottles, the cartons in which they were, and also the circulars accompanying them. The Government must further prove that the claims made in these circulars, labels, and cartons were false, and in addition thereto, that they were made fraudulently. Now, those are the material allegations in the information, every one of which must be established by the Government beyond a reasonable doubt before a verdict of guilty can be returned by you. Counsel have stipulated as to the truth of some of these allegations so that it was unnecessary to introduce evidence as to them, and you may consider them as having been established beyond a reasonable doubt. Counsel for the defendant agreed that this defendant was at the time a corporation existing under the laws of the State of Missouri. That it did make at the time alleged this shipment of the twelve bottles to the firm mentioned in the information, in the City of Dallas, State of Texas. That these bottles had the labels on them and were put in cartons or boxes and were accompanied by circulars which contained the language set out in the information. Therefore, gentlemen of the jury, the only questions which are submitted to you and which must be determined by you for the purpose of deciding what your verdict shall be are: first, does the language used on the labels, cartons, or circulars accompanying the preparation, giving it such meaning as an ordinary intelligent person reading it would give it, show that the defendant claimed that the use of the preparation in the manner and the doses directed therein would arrest or retard the progress of the diseases which are mentioned therein; second, if it does, then the next question to be determined by you is whether they were false; if you find that they were false, you are next to determine whether they were fraudulent. To justify conviction or a verdict of guilty, you must find all of these three issues for the Government. Otherwise your verdict should be not guilty. For the purpose of determining whether the labels on the bottles and the cartons and the circulars accompanying them contain statements that the use of the medicine in the doses mentioned would arrest or retard all the diseases mentioned therein, you should take into consideration all the language used therein, interpreting it as an ordinary intelligent man would, and from it determine whether it was the intention of the defendant to lead such persons who would read them to believe that the medical preparation, if taken in the manner prescribed in these circulars or labels, would arrest or retard the progress of the numerous diseases mentioned therein, although the language does not in direct terms say

so. If you further find that they were false, as I will explain to you later on what is meant by false, in so far as this preparation would not arrest or retard the diseases mentioned therein or any of them as claimed by the defendant, and that these false representations were made by the defendant for the fraudulent purpose of inducing people suffering from any of these diseases to purchase the preparation for the purpose of obtaining relief or a cure, then the defendant would be guilty of this charge. The meaning of the word false in this statute is that a person states that to be true which he knows to be false or which he has no reason or reasonable cause to believe to be true. When a person makes claims of cures or beneficial effects from the use of a certain medicinal preparation, he may be held to good faith in his statements, and if made with actual intent to deceive, an intent which may be derived from the facts and circumstances in the evidence, they are fraudulent. Fraudulent intent, as any other intent, is frequently a matter which cannot be proven by direct or positive testimony. Of course, it is a matter of the mind, a state of mind is itself a fact, and false and fraudulent representations may be made about it, and persons who make substances or compositions alleged to be curative or beneficial are in a position to have superior knowledge, and may be held to good faith in their statements. There is another fact which the parties have agreed on so that it requires no proof. The defendant or his counsel have read to you the ingredients which make up this medicine. There are a large number of ingredients possessing medicinal qualities. The Government has admitted that the preparation is compounded of the materials and in the quantities as stated by Judge Crum when he opened the case. So there is no dispute as to what it contains. Now, the first question, as I stated to you, is what the language is and how it should be interpreted. It is unnecessary, gentlemen of the jury, for me to go into this matter, because I believe you are just as well qualified, perhaps better than I am, to determine what you think the language used in these circulars and labels means. So that will be a matter which the Court leaves entirely to you without giving any expression. If you find that a reasonably intelligent person reading them would believe that by the use of these medicines a person suffering from any one of these diseases, and the diseases are quite numerous, which are mentioned therein, for which this medicine might be taken with beneficial effect: diseases of the liver, kidneys and urinary organs, dropsy, inflammation of the kidneys or bladder, incontinence of urine, bedwetting of children, rheumatism, leucorrhea or whites, irregular menses, weakness in urinary organs, pains in the back, gallstones, diabetes, difficulty in passing urine, suppressing or retention of urine, gout, lumbago, sciatica, neuralgia, gravel, female diseases and disorders. Were these statements false, that is, did the defendant know that it would not cure all of these diseases? And in this connection it is proper for me to say that it is not necessary for the Government to prove, before you can find a verdict, that they are false as to all of these diseases. It is sufficient if you find from the evidence that they are false as to any one or more of these diseases, although they may not be false as to all of them. Now, were they false? As I stated to you before, they may be found to be false if the defendant knew that they would not have the effects claimed for every one of these diseases, or if the statements were made not knowing that they would have that effect. A person who makes a statement which he doesn't know to be true, makes a false statement just as much as a man who makes a statement which he knows to be false. The Government for the purpose of establishing its case has introduced four physicians. They belong to three different schools of medicine. One of them belongs to the school known as the eclectic school of medicine, one of them belongs to the school known as the homeopathic school of medicine, and two of them to the regular school of medicine, usually spoken of as the allopathic. All of these four found—something unusual, but the doctors seem to agree in this case—every one of them testified that while the ingredients possess curative properties, yet when compounded, all of them put together, they would not cure, arrest, or retard the progress of a single one of the diseases mentioned therein. That a great many diseases can't be cured at all by any kind of medicine. They testified that almost each one of these diseases may be caused by different causes and from different causes, and until it is ascertained what caused that particular disease, it is impossible to prescribe and tell what medicine should be taken, or what medicine can be of benefit at all. They say that liver diseases, some of them may be tubercular, some of them may be caused from one cause and some from another cause, in fact, they went through every one of these various diseases and showed how different they were. They say as to

removing gallstones, if the gallstones happen to be very small they may be removed, that is, they may by the use of medicine be caused to pass through some of the organs of the body, but at the most severe pain, but if the gallstone is quite a large stone, as is frequently the case, then it is utterly impossible for it to be passed off by the use of medicine, because there is no organ which is large enough to permit it to pass, and that they can only be removed by an operation, or as one of them expressed it, by the use of the knife. I am not going to review all the testimony of these physicians. You have heard it and know just as much about it as I do. There has been no testimony introduced by any other physicians or persons who are qualified to testify as experts to dispute the testimony of these witnesses. But I want to say this to you, gentlemen, that the testimony of experts, even if not contradicted, is not conclusive on the Jury. You are the final arbiters to determine the facts, but for the purpose of aiding you, that testimony has been introduced because owing to the fact that these men have received a medical education at well established medical schools, and have practiced the science of medicine for years, some of them for over 30 years, is a matter to be considered by you for the purpose of determining what weight you shall give to their opinions. Therefore, you should consider what weight you should give it, their knowledge and experience, their manner of testifying, whether they were prejudiced or not. Now, the question was asked some of these expert physicians whether they were not prejudiced against the use of all proprietary medicines. They said, no, but they think that if given indiscriminately without examination of the causes of the disease and especially if they are to be given for a large number of diseases, different entirely from each other, then it is unwise to use them, and, for that reason, they would not advise anyone to use them; or, they say they are prejudiced simply against such medicine as is harmful instead of being beneficial. Now, those matters, gentlemen, are to be considered by you for the purpose of determining what weight you shall give to the testimony. Now, then, the next question is, did the defendant know that they were false, or did he not know that they were true. The only evidence that has been introduced on the part of the defendant as to that was the recipe for this medicine was prepared by one Dr. McLean, whose picture was hanging in the office or laboratory of this defendant. Dr. McLean is dead, and the diploma exhibited here shows that he had been a graduate of a medical school, graduated in the 60's. There is no evidence whether Dr. McLean ever practiced medicine, whether he had any other medical experience or not, and that this medicine is the same that has been made ever since. I want to say to you, gentlemen, that until August 23, 1912, it was not an offense for anyone to send medicine from one State to another, containing labels which were false or fraudulent. It is only since 1912 that the law was passed under which this charge has been brought. Now, the president of this defendant has testified that, but he hasn't said that he knows anything about the medicinal qualities of this preparation. A gentleman who is a chemist has testified that he examines it after it is made, not for the purpose of ascertaining what its medicinal virtues are, what it will cure, but for the purpose of determining the quantity of alcohol which is in it, which under the law must appear on the label. Then another gentleman testified that he has been in the defendant's employ for 32 years, that he mixes this medicine, but he didn't testify that he knew anything about the virtues of the medicine. Now, gentlemen, it is for you to determine whether upon this evidence you believe that they were false within the meaning of the law. If you find these two issues in favor of the Government, then the next issue to be determined is whether it is fraudulent. If a person makes false statements for the purpose of inducing another to purchase such preparations from him in the belief that they will cure or arrest, retard, or relieve him to some extent from the ailment which he suffers, anyone of these ailments mentioned, which he didn't know to be true, and therefore were found to be false, then you are justified in finding that it was for the fraudulent purpose of inducing people to buy the medicine from him. As I stated to you before, gentlemen of the jury, before you can find a verdict of guilty, you must find every one of these three issues in favor of the Government. If you don't find them in favor of the Government, if you don't believe that the evidence justified it, or if, as reasonable men, you have a rational doubt in your minds whether anyone of these three issues should be found in favor of the defendant, then, gentlemen of the jury, the defendant is entitled to the benefit of that reasonable doubt, and your verdict should be, not guilty. If, on the other hand, you have no such doubt and are satisfied beyond a reasonable doubt that the defendant did commit these acts, as

charged, and find these three issues, every one of them in favor of the Government, then, gentlemen of the jury, under your oath it is equally your duty to return a verdict of guilty. You may retire, gentlemen, to consider. Take the circulars and cartons with you, gentlemen.

The jury thereupon retired and, after due deliberation, returned into court on May 18, 1917, with a report that they were unable to agree to a verdict, and were thereupon discharged from further consideration of the case.

On December 14, 1917, the case was again brought on for trial before the court and a jury, and after the submission of evidence and arguments by counsel the following charge was delivered to the jury by the court (Dyer, *D. J.*):

Gentlemen of the jury, there are some allegations in this complaint that have been admitted and about which there is no controversy. It is admitted that the defendant is a corporation organized under the laws of the State of Missouri and has its principal business office in the city of St. Louis. It is also admitted that the shipment charged in this information as being shipped to Dallas, Tex., was a shipment in interstate commerce, and was made at the time alleged in the information. It is practically admitted that the compound shipped contained the specific drugs that are mentioned in the complaint. There is no question about that.

On June 30, 1906, Congress passed what is known as the Pure Food and Drugs Act. This Act of Congress, like all other Acts of Congress, is important, and it is the duty of the Court, the duty of the jury, and the duty of everyone to uphold that Act. Speaking for myself, I do not believe that Congress ever enacted a more salutary statute than the one under consideration. When it was passed in 1906 that statute contained a provision as follows:

"Section 8. That the term 'misbranded' as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced."

You will see from Section 8 of the original Act which I have read, that it treated only of the misbranding of these articles by stating falsely what had entered into the composition of the food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it was manufactured or produced. If section 8 of the statute, to which I called your attention, were the only provision of the law, then as a matter of course this particular prosecution could not be maintained. However, with a view of meeting cases similar to this, Congress amended that Act on August 23, 1912, which amendment, so far as it applies to this case, is as follows:

"Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein which is false and fraudulent * * *."

That was the amendment to the Act made in 1912, and it is under the provision of the Act as it now stands that the information in this case was lodged. I am not relying alone upon my own judgment or construction of the Act as to the effect of this amendment and the character of the Amendment, but I rely upon and agree with the declaration of the Supreme Court of the United States as to the scope and extent of this amendment.

As you will remember, the amendment contains these words, "which is false and fraudulent." The allegation must be shown to have been false. It must be shown to have been fraudulent. Of this phrase, "false and fraudulent," the Court says as follows:

"This phrase must be taken with its accepted legal meaning, and thus it must be found that the statement contained in the package was put there to accompany the goods with actual intent to deceive, an intent which may be derived from the facts and circumstances, but which must be established. That false and fraudulent representations may be made with respect to the curative

effect of substances is obvious. It is said that the owner has a right to give his views regarding the use of his drugs, but state of mind is itself a fact and may be a material fact, and false and fraudulent representations may be made about it, and persons who make or deal in substances or compositions alleged to be curative are in a position to have superior knowledge, and may be held to good faith in their statements."

This information charges, after setting out all that accompanied these bottles, and about which there is no controversy, it being admitted that all that is charged in the information as to certain things that went with the bottle are true, among other things,

"That when shipped and delivered for shipment as aforesaid, said article of drugs was then and there misbranded within the meaning of said Act of Congress, as amended, in that the following statements regarding the therapeutic or curative effects thereof appearing on the label, to wit, on carton, 'Dr. J. H. McLean's Liver and Kidney Balm * * * For the treatment of diseases and disorders of the liver, kidney and urinary organs.' * * *;

"On bottle 'Dr. J. H. McLean's Liver and Kidney Balm * * * For the treatment of dropsy * * * Inflammation of kidneys or bladder, incontinence of urine, * * * bed-wetting of children, rheumatism, leucorrhea or whites, irregular menses, weakness in urinary organs, and pains in the back,' were false and fraudulent in this, that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that the article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for the treatment of diseases and disorders of the liver, kidney, and urinary organs, and effective as a remedy for the treatment of dropsy, inflammation of the kidneys and bladder, incontinence of urine, bed-wetting of children, rheumatism, leucorrhea or whites, irregular menses, weakness in urinary organs, and pains in the back, when in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for the treatment of diseases or disorders of the liver, kidney or urinary organs, or effective as a remedy for the treatment of dropsy, inflammation of the kidneys or bladder, incontinence of urine, bed-wetting of children, rheumatism, leucorrhea or whites, irregular menses, weakness in urinary organs, or pains in the back.

"That when shipped and delivered for shipment as aforesaid, said article was further misbranded in that the following statements regarding the therapeutic or curative effects thereof, included in the circular aforesaid, to wit:

"Gallstones * * * Dr. J. H. McLean's Liver and Kidney Balm will aid in dissolving gallstones so that they may pass away."

That is one of the several things contained in this information. The second is,

"Rheumatism * * * For the treatment of rheumatism take Dr. J. H. McLean's Liver and Kidney Balm. * * * This medicine helps in restoring the kidneys to a healthy condition so that the urine will not contain too much uric acid, and in that way rheumatism is cured.

"Gout, sciatica. lumbago and neuralgia * * * The treatment for them should be the same as for rheumatism,"

and so on.

You will see what is charged in this complaint. The testimony of the physicians introduced here by the Government, I may say tends to prove in a measure, I do not say it does prove, but the testimony was offered to show that this particular compound containing these particular ingredients would not do what is represented it would do. That was for the purpose of ascertaining, in the first place, whether the statements made in the circular were false or were true, and that is the matter for you to decide. If you decide they were false, then you have taken one step in disposing of this case. If the statements were true, and the compound will do what the statements claim for it, then that is the end of the case, and your verdict will be for the defendant.

If you find from the testimony that is before you that those statements were false, the next step is to see whether they were fraudulent or not, taking the two, false and fraudulent. If you find that the statements were false and fraudulent, then as a matter of course your verdict will be for the Government. If you find the statements were false but not fraudulent. under that state of fact you would find for the defendant, because you must find the two: in the first place it must be false, and in the next place it must be fraudulent. In

determining the question as to whether or not the statements were fraudulent you may take into consideration all the facts and circumstances that have been introduced in evidence. You are the judges of the testimony.

There is another well-settled principle involved in this case and in every case, and that is that one who makes a false statement, not knowing whether it is false or true, is as guilty of wrong as the man who makes a false statement knowing it is false. No one may be permitted to make statements recklessly not knowing whether they are true or false, put these statements out, and then say he did not know whether or not it was false.

It is not necessary that the Government should prove that all the statements on the label or in the circular were false and fraudulent. If you believe beyond a reasonable doubt that any one or more statements as to the curative or remedial properties of this medicine was false and fraudulent, and that the defendant knew it was false, you may find the defendant guilty. If you find, as a matter of fact, that the statements were false, and by the defendant known to be false, then your verdict will be for the Government. If you find as a fact that the statements were not false, or, being false, there was no intent, whether actual or implied, upon the part of the defendant to defraud, then your verdict will be for the defendant.

If you believe from the evidence that any one of the claims as to the therapeutic effect of this medicine upon gallstones, diabetes, Bright's disease, gravel, rheumatism, and the other diseases mentioned in the information, was false, and was made by the defendant with a reckless and wanton disregard as to whether it was true or false, you may from that fact, and from other facts connected with the case, find the defendant guilty.

In determining the intent of the defendant take into consideration all the facts and circumstances of the case and determine whether or not it was the intention that this language, interpreting it as ordinary intelligent men would, should convey the impression that the medicine was to cure, or act as a remedy for the diseases or ailments mentioned, even where the language does not directly say so. If it was the intention, so framed or stated, that it convey those impressions, and those statements were false, and known by the defendant to be false, or, if from all the circumstances in the case you find there was an intention to defraud, then it would be your duty to return a verdict of guilty. If you do not find that intention of course you will return a verdict of not guilty.

After the admissions were made in this case as to sending this medicine in interstate commerce to the State of Texas, and after the admission of the other facts that I have mentioned, the Government relied upon the evidence of three physicians. The evidence of those men as experts is to be taken by you as the testimony of expert witnesses, by which you are not necessarily bound. The testimony of experts is not conclusive, even if not contradicted. The evidence was permitted in order to aid the jury in determining the therapeutic value of the compound. These witnesses had nothing to say except to answer questions that were put to them on the subject of the curative properties of this compound, administered as these directions said it should be administered. They are the witnesses who were examined with reference to that. You are to be the judges of all that testimony. The Court is not going to interfere with you in that regard.

Counsel alluded to matters that are not in evidence. I interrupted at the time and excluded that matter. Whether it contains anything or not is not for your consideration, because it has been excluded by the Court.

Evidence has been introduced here as to the character for honesty and fair dealing of the defendant corporation. That is an element and a fact that may be taken into consideration by you as you would any other proper and legitimate testimony.

This is a criminal prosecution under a statute that makes it a misdemeanor to violate it, and the defendant is entitled to the benefit of any reasonable doubt that may arise out of the testimony in his favor. The presumption of innocence accompanies the defendant company as it would accompany an individual, and that presumption continues until it is shown by the testimony in the case to have been overcome. If you find that the facts and circumstances developed before you are as consistent with the theory of innocence as they are with the theory of guilt, the jury should acquit the defendant.

You will see that you are to decide, first, whether the statements in reference to the curative properties of this medicine were false. If they were false, did the defendant know them to be so, and, if the defendant knew them to be so,

were the statements made in such a reckless manner as a reasonable man would not have indulged in. From all the facts and circumstances in the case, you are to say whether the defendant is guilty or not guilty under this charge.

As far as the punishment is concerned, as stated by counsel, that is a matter within the discretion of the Court with which you have nothing to do. It is lodged with the Court to impose the fine, and not with the jury.

I do not know that I have anything else to say. The form of verdict has been prepared. If you find the defendant guilty sign the verdict as prepared. If you find the defendant not guilty insert the word "not" before the word "guilty" and return your verdict into Court.

The jury thereupon retired and, after due deliberation, returned into court with a verdict of guilty, and on December 28, 1917, the court imposed a fine of $200 and costs. On January 18, 1918, the defendant company's bill of exceptions was allowed and filed, and the case is now pending on appeal in the United States Circuit Court of Appeals for the Eighth Circuit.

R. A. Pearson, *Acting Secretary of Agriculture.*

6150. Misbranding of Boonekamp Magen-Stomach Bitters. U. S. * * * v. Victor Gautier & Co., Inc., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 7781. I. S. No. 4655-l.)

On January 22, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Victor Gautier & Co. Inc., a corporation, New York, N. Y., alleging the sale and delivery by said company, on March 15, 1916, in violation of the Food and Drugs Act, as amended, under a guaranty that the article was not misbranded within the meaning of the said act, as amended, of a quantity of an article labeled in part, "Boonekamp Magen-Stomach Bitters," which was a misbranded article within the meaning of said act, and which said article, in the identical condition in which it was received, was shipped by the purchaser thereof on or about March 20, 1916, from the State of New York into the State of Maryland, in further violation of the said act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department shows the following results:

Net contents.	Shortage.	Shortage.
Fluid ounces.	*Fluid ounces.*	*Per cent.*
24.0	2.0	7.7
23.8	2.2	8.4
25.5	.5	1.9
Average. 24.43	1.57	6.0

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Contents 26 Fluid Ozs.," borne on the wrapper inclosing the bottles, regarding the article, was false and misleading in that it represented that the bottle contained 26 fluid ounces, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 26 fluid ounces, whereas, in truth and in fact, it did not, but contained a less amount, to wit, approximately 24.43 fluid ounces. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 4, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

R. A. Pearson, *Acting Secretary of Agriculture.*

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WASHINGTON : GOVERNMENT PRINTING OFFICE : 1918